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1997 EDITION

AICPA

AMERICAN INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS

Tax Practice Guides and Checklists

AICPA Tax Division

Tax Practice Guides and Checklists
1997 EDITION

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Tax Practice Guides and Checklists

AICPA Tax Division

059512

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WARNING!

This package of practice guides was completed in the fall of 1997. It does not necessarily reflect subsequent legislative, administrative or tax form changes. You may need to revise these guides accordingly.

1997 Tax Practice Guides and Checklists

Diskette Ordering Instructions

The *1997 Tax Practice Guides and Checklists* are available on 3.5" diskette for **\$10 payable by check** (sorry, we cannot accept credit card orders). The disks are formatted in WordPerfect 6.1 only. The checklists and practice guides are heavily font-encoded and do not convert well using other word processing programs. The AICPA takes no responsibility for failed disk conversions. Files with .wb1 extensions (auto lease tables and 704(b) worksheets) are formatted in Quattro Pro 5.0.

Please send a **self-addressed MAILING LABEL** with your **check made payable to the AICPA** to:

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1455 Pennsylvania Avenue, NW
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Washington, DC 20004

Do not send orders to the AICPA's New Jersey office as that will only delay your order. Please save this sheet for future reference. If you have any questions, please call Carlotta Stewart at (202) 434-9233.

PREFACE

Enclosed are the *1997 Tax Practice Guides and Checklists* prepared by the Tax Practice Guides Committee of the AICPA Tax Division. If you are a Tax Section member, this package was sent to you as part of your basic membership benefit package.

If you are not a member of the Section, you may wish to join in order to expedite receipt of these guides and checklists and to take advantage of the many benefits of Section membership. The price of the guides and checklists to non-members is \$91 (\$99 for non-AICPA members). For just \$95 (\$119 with *The Tax Adviser* magazine), you can receive supplemental practice guides, the quarterly *Tax Division Newsletter* and other publications, as well as additional membership benefits. Please contact Judy Smith at (202) 434-9270 if you would like information on membership.

The Committee hopes these practice guides and checklists will be helpful to you and solicits your comments for their improvement. Please send comments and suggestions to James Clark using the following address:

American Institute of CPAs
Tax Division
1211 Avenue of the Americas
New York, NY 10109-0004

Attn: James S. Clark, Jr.

A blank, preaddressed comment sheet with return postage is included for your use. To mail, fold the sheet with the address showing on the back of the form, tape and place in mail.

NOTICE TO READERS

Tax practice guides are designed as educational and reference material for the members of the Tax Section and others interested in the subject. They do not establish standards or preferred practices.

Although much thought and effort have gone into the development of these guides, they are subject to change. Many of the regulations related to current and prior tax acts have not been issued. These checklists need to be revised as new developments occur.

Accordingly, these practice guides are issued as drafts only, and you retain responsibility for their final content. Please review them carefully and make any changes necessary for your particular use.

The State Individual & State Corporation Income Tax Return Checklists, State Corporate Tax Issues Practice Guide, State Tax Return Individual and Corporation Preparation Guides, IRS Examination Guide, Estate Tax Workpaper Procedures and Organization, and Return of Private Foundation Checklist (990-PF) are new additions to the *Tax Practice Guides and Checklists*.

Members of the 1996-1997 AICPA Tax Practice Guides Committee prepared these practice guides. The members of that committee are listed below:

Terri L. Husberg, <i>Chair</i>	Larry Kominsky
Timothy J. Bartz	Katherine Leonard
Rick Betts	Barbara A. Ley
Robert A. Docili	T. Charles Parr III
Craig Fisher	Wilburn Robinson
Robert F. Kane	Lorraine A. Travers
Arthur Kersh	Ralph C. Youngberg

Robert L. Holman, Tax Executive Committee Liaison
James S. Clark, Jr., Manager, AICPA Tax Division Staff

The Tax Division and aforementioned committee members wish to express their appreciation to the AICPA State and Local Taxation Committee for their preparation of the State Tax Nexus Practice Guide and Checklist, as well as to the following technical reviewers for their outstanding assistance:

William B. Blaylock	Larry Hyatt	Larry Montague
Robert Blume	Neil Keeter	Noni S. Patchett
Carol Calkins	John Kinney	Jeffrey L. Raymon
Lawrence D. Friedman	Michael D. Koppel	Larry Silver
Tim Galli	Bob Lightburn	Mark Stutman
Martin E. Greif	Roger W. Lusby III	Rich Taylor
Tom Herberg	James B. McEvoy	Patricia Thompson

1997 AICPA TAX DIVISION PRACTICE GUIDES AND CHECKLISTS

USER'S RESPONSE SHEET

(New items in italics)

- 1) How do you use the tax return checklists and practice guides? Check the appropriate responses.

	<u>As Is</u>	<u>Modified</u>	<u>Do Not Use</u>
Checklists:			
Estate (706)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gift (709)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Individual (1040):			
Expanded Version	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Short Version	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mini Version	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Estate and Trust (1041):			
Expanded Version	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Short Version	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mini Version	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Partnership (1065):			
Expanded Version	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Short Version	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mini Version	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C Corporation (1120):			
Expanded Version	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Short Version	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mini Version	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
S Corporation (1120S):			
Expanded Version	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Short Version	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mini Version	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Return of Organization Exempt from Income Tax (990)			
Expanded Version	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mini Version	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Exempt Organization Business Income Tax (990-T)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Return of Private Foundation Checklist (990-PF)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>State Individual Income Tax Return</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>State Corporation Income Tax Return</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Employee Benefit Plan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Passive Activity Checklist	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
State Tax Nexus Practice Guide/Checklist	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Section 704(b) Practice Guide	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Oil and Gas Practice Guide	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vehicle Guides	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Engagement Letters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Transmittal Letters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>State Corporate Tax Issues Practice Guide</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>IRS Examination Guide</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Organizers:			
Individual (1040)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Corporation - One Page Version	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
S Corporation - One Page Version	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fiduciary (1041)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Partnership (1065)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Partnership - One Page Version	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tax Exempt Organization (990)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tax Exempt Organization - Short Version	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Estate Tax (706)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gift Tax (709)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Qualified Retirement Plan (5500)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- 2) Please use the space below to comment on the 1997 Tax Practice Guides and Checklists and how you may have modified them, and to offer suggestions for future guides.

- 3) Please attach tax checklists and practice guides developed by your firm to assist the Tax Division in preparing future guides for the membership.

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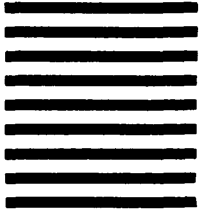
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SURVEY RE: ELECTRONIC DISTRIBUTION

Please answer the following questions. Your response will be very helpful in guiding us in deciding how to distribute the Guides and Checklists in the future. Thank you.

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1997 TAX PRACTICE GUIDES & CHECKLISTS
Table of Contents

I.	TAX ORGANIZERS	
	Estate Tax (706)	2
	Gift Tax (709).....	7
	Tax Exempt Organization (990)—Short and Expanded Versions	8
	Sample Individual Organizer Transmittal Letter	22
	Individual (1040).....	23
	Fiduciary (1041).....	44
	Partnership (1065)—One Page and Expanded Versions.....	56
	Corporation (1120 and 1120S)—One Page and Expanded Versions	67
	Qualified Retirement Plan (5500).....	80
II.	PRACTICE MANAGEMENT FORMS	
	Sample Engagement Letters	1
	Sample Transmittal Letters & Filing Instructions	22
	New Client Welcome Letter.....	34
	Client Review for Additional Services Forms—Individual and Business Versions	35
	Client Review Comments Form.....	39
	Tax Research Request and Results Forms	40
	Carryforward Schedule	43
	Tax Permanent File Contents	44
	SEP Contribution Worksheet	47
	Tax Return Routing Schedule	48
	Tax Return Guide Sheet.....	49
III.	TAX FORM PREPARATION GUIDES	
	Vehicle Related Guides	1
	Employer Policies Regarding Use of Company Vehicles	2
	Employee Representation Regarding Use of Company Vehicle	5
	Worksheet to Calculate Income From Personal Use of Company Vehicle	6
	Worksheet to Calculate Inclusion Amount for Leased Vehicles	9
	Comparison of Business Entities	16
	S Corporation Shareholder Basis Schedule—Short and Long Versions	18
	Section 704(b) Practice Guide and Sample Worksheet	24
	Passive Activity Checklist.....	39
	Estate Tax Work Paper Procedures and Organizations	46
	PREPARATION AND REVIEW CHECKLISTS	
IV.	U.S. ESTATE TAX RETURN (706)—Expanded Version	
V.	U.S. GIFT TAX RETURN (709)	
VI.	RETURN OF ORGANIZATION EXEMPT FROM INCOME TAX (990)—One Page and Expanded Versions	
VII.	EXEMPT ORGANIZATION BUSINESS INCOME TAX RETURN CHECKLIST (990-T)	
VIII.	RETURN OF PRIVATE FOUNDATION CHECKLIST (990-PF)	
IX.	INDIVIDUAL TAX RETURN (1040)—One Page, Short and Expanded Versions	
X.	ESTATE AND TRUST TAX RETURN (1041)—One Page, Short and Expanded Versions	
XI.	PARTNERSHIP TAX RETURN (1065)—One Page, Short and Expanded Versions	
XII.	C CORPORATION TAX RETURN (1120)—One Page, Short and Expanded Versions	
XIII.	S CORPORATION TAX RETURN (1120S)—One Page, Short and Expanded Versions	
XIV.	EMPLOYEE BENEFIT PLAN RETURN (5500 Series)—Expanded Version	
XV.	STATE INDIVIDUAL INCOME TAX RETURN	
XVI.	STATE CORPORATION INCOME TAX RETURN	
XVII.	OTHER PRACTICE GUIDES	
	Sample IRS Corporate Audit Format.....	1
	Oil and Gas Practice Guide.....	8
	IRS Examination Guide	19
	State Revenue Department Listing	34
	State Tax Practice Guides	44

**1997 TAX PRACTICE GUIDES AND CHECKLISTS
SECTION GUIDE**

- I. TAX ORGANIZERS**
- II. PRACTICE MANAGEMENT FORMS**
- III. TAX FORM PREPARATION GUIDES**
- IV. U.S. ESTATE TAX RETURN (706)—Expanded Version**
- V. U.S. GIFT TAX RETURN (709)**
- VI. RETURN OF ORGANIZATION EXEMPT FROM INCOME TAX (990)—One Page and Expanded Versions**
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- X. ESTATE AND TRUST TAX RETURN (1041)—One Page, Short and Expanded Versions**
- XI. PARTNERSHIP TAX RETURN (1065)—One Page, Short and Expanded Versions**
- XII. C CORPORATION TAX RETURN (1120)—One Page, Short and Expanded Versions**
- XIII. S CORPORATION TAX RETURN (1120S)—One Page, Short and Expanded Versions**
- XIV. EMPLOYEE BENEFIT PLAN RETURN (5500 Series)—Expanded Version**
- XV. STATE INDIVIDUAL INCOME TAX RETURN**
- XVI. STATE CORPORATION INCOME TAX RETURN**
- XVII. OTHER PRACTICE GUIDES**

TAX RETURN ORGANIZERS

These tax organizers have been designed to assist in compiling the information needed to prepare the respective returns. The following pages contain many of the common income items, expenses, deductions and credits, as well as questions that determine the proper handling of these items.

The organizer can be completed by the client or staff that is working on accounting or audit areas.

ESTATE TAX RETURN ORGANIZER
FORM 706

Decedent's Full Name _____

Decedent's Social Security Number _____

Date of Birth _____

Date of Death _____

Decedent's legal residence at date of death (city, county, state and zip code or foreign country)

Date Domicile Established _____

Executor's Name _____

Executor's Address _____

Executor's Social Security/Federal ID Number _____

Name and location of court where will was probated or estate administered

Case Number _____

This organizer is designed to assist you, the executor in gathering the information required for preparation of the appropriate estate and inheritance tax returns. Please complete the organizer and answer all questions. Should you have questions regarding any items, please call.

ESTATE TAX RETURN ORGANIZER (706)

100) GENERAL INFORMATION

101) Provide a certified copy of: _____

- will
- death certificate
- letters testamentary or letters of administration

102) Provide a copy of any trust of which the decedent was a grantor, trustee, or in which decedent held any interest or power. _____

103) Provide beneficiary information below:

FULL NAME	ADDRESS CITY/STATE/ZIP	RELATIONSHIP TO DECEDENT	SOCIAL SECURITY #	BIRTH DATE

104) If the decedent or spouse has ever filed any federal gift tax returns, provide copies. (Disregard this request if the returns were prepared by this firm). _____

105) If the decedent made any gifts valued at \$10,000 or more during the calendar year of his/her death, provide a schedule of the gifts, date of gift, donees, and donees' addresses. _____

106) Provide a listing of the decedent's estate including all property owned or co-owned by the decedent. _____

107) If the decedent had access to a safety deposit box, provide the following: _____

- Location
- Joint depository, if any, and relationship to the decedent.
- Inventory of contents

108) If the decedent's spouse predeceased the decedent, provide a copy of the spouse's Form 706, state inheritance tax returns and any Forms 1041 filed on behalf of that estate. _____

109) If the decedent was divorced, provide a copy of any divorce decree and/or property settlement. _____

110) Provide a copy of federal and state income tax returns for the prior three years. (Disregard this request if the returns were prepared by this firm). _____

ESTATE TAX RETURN ORGANIZER (706)

200) REAL ESTATE

201) Provide copies of the most recent appraisal of real estate owned by the decedent.

202) If appraisals have not been prepared, provide a schedule of all real estate owned or under contract to purchase with the following information:

- legal description and or street address, if applicable
- assessed value for property tax purposes

203) Include description of real estate (and length of ownership) subject to a qualified conservation easement.

204) Provide lease documents if the property is leased to a lineal descendant.

300) STOCKS, BONDS, AND MUTUAL FUNDS

301) Provide copies of all brokerage and mutual fund statements for the current year prior to the date of death and each statement since the date of death.

302) Provide a list and copies of all stock and bond certificates held by the decedent which were not listed on the brokerage statements.

303) If the decedent owned stock in a closely held corporation, provide the following:

- copy of stock certificates
- copy of buy-sell agreements
- copy of tax returns and/or financial statements for the prior five years
- copy of appraisal, if any

304) Provide documentation of worthless securities.

400) MORTGAGES, NOTES AND CASH

401) Provide copies of the following statements for all accounts for the period beginning two months prior to death through the present:

- checking accounts
- savings accounts
- certificates of deposits
- money market accounts

402) Provide a copy of the current check registers for the above accounts.

403) Provide copies of all notes and mortgages owed to the decedent.

404) Provide the amount of cash held by the decedent at death. \$ _____

ESTATE TAX RETURN ORGANIZER (706)

500) LIFE INSURANCE

501) Provide a list of life insurance policies indicating:

- insured
- amount
- ownership
- beneficiaries
- company
- policy number

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

502) Provide Form(s) 712 issued by the life insurance companies. (Form 712 is required for each policy).

_____	_____
-------	-------

503) If the decedent was not the owner of the policy provide date and circumstances of acquisition by the owner.

_____	_____
-------	-------

600) JOINTLY OWNED PROPERTY

601) For all assets owned jointly by the decedent and others, indicate the portion belonging to the decedent.

_____	_____
-------	-------

602) Provide name(s) and address(es) of co-owners other than spouse.

_____	_____
-------	-------

700) MISCELLANEOUS PROPERTY

701) Provide copies of any available appraisals of:

- art
- antiques
- jewelry
- other collectibles
- other property

_____	_____
-------	-------

702) If the decedent was a partner in a partnership or other unincorporated business, provide a copy of the following:

- partnership agreement
- tax returns and/or financial statements for the prior five years
- buy-sell agreements
- appraisal, if any

_____	_____
_____	_____
_____	_____
_____	_____

703) Provide a list of any refunds or reimbursements received by the estate.

_____	_____
-------	-------

704) Provide a list of household furnishings and personal assets owned by the decedent and the value of each.

_____	_____
-------	-------

705) Provide a list of automobiles owned by the decedent with make, model, year, odometer reading, general condition and Blue Book values at the date of death).

_____	_____
-------	-------

706) Provide Forms 712 for all life insurance policies owned by the decedent on the life of another.

_____	_____
-------	-------

ESTATE TAX RETURN ORGANIZER (706)

- 707) Provide a description and fair market value of all other assets not noted above. _____
- 800) ANNUITIES AND RETIREMENT BENEFITS
- 801) Provide copies of the brokerage, mutual funds, bank or plan participant statements for all IRAs, 401(k)s and other retirement plans. _____
- 802) Provide copies of commercial annuity contracts and last statement indicating balance of account. _____
- 900) ADMINISTRATION EXPENSES
- 901) Provide a copy of the funeral related expenses including the following:
- funeral arrangements _____
 - markers _____
 - reception costs _____
 - flowers _____
 - thank you notes and postage _____
- 902) Provide a schedule of other administration expenses which were not paid through the estate checking account or have yet to be paid. The schedule should include the following:
- legal fees _____
 - accounting fees _____
 - commissions paid _____
 - maintenance of estate property _____
 - appraisal fees _____
 - other _____
- 1000) DEBTS, MORTGAGES, AND LIENS OF DECEDENT
- 1001) Provide copies of all notes, mortgages etc., owed by the decedent and a schedule of balances at date of death. _____
- 1002) Schedule all other debts owed by the decedent including:
- to whom owed _____
 - amount of debt _____
 - interest rate _____
 - due date _____
 - payment amounts _____
- 1100) LOSSES DURING ADMINISTRATION
- 1101) Schedule any losses incurred during the administration of the estate. _____
- 1200) CREDIT FOR PRIOR TRANSFERS
- 1201) If the decedent received property during the prior ten years from the estate of another, provide a copy of the prior decedents' estate tax returns. _____

GIFT TAX RETURN ORGANIZER

FORM 709

Donor's Full Name _____ SS# _____

Spouse's Name _____ SS# _____

Address _____

City, Town or Post Office _____ County _____ State _____ Zip Code _____

Telephone Number Home (____) _____ Telephone Number Office (____) _____ Citizenship _____

- | | <u>YES</u> | <u>NO</u> |
|--|----------------------------------|----------------------------------|
| 1. Did donor die during the year? If "yes," provide a copy of the death certificate.
_____ | _____ | _____ |
| 2. Have gift tax returns been filed in prior years? If "yes," provide copies, unless they were prepared by this firm.
_____ | _____ | _____ |
| 3. Have previously filed gift tax returns have examined? If so, provide copies of examination reports.
_____ | _____ | _____ |
| 4. Have the gifts (including generation-skipping transfers) to third parties during the calendar year been considered as made one-half by each spouse? If "yes,":
Were taxpayers married during entire year? _____
Did taxpayers get married during the year? If "yes," when? _____
Did taxpayers get divorced during the year? If "yes," when? _____
Will each spouse file a gift tax return? _____ | _____

_____ | _____

_____ |
| 5. Has the donor's spouse made gifts? If so, complete a separate Form 709 organizer.
_____ | _____ | _____ |

DONEE'S NAME AND ADDRESS	RELATIONSHIP TO DONOR	DESCRIPTION OF GIFT	IF GIFT WAS A SECURITY, CUSIP #	DONOR'S ADJUSTED BASIS IN THE GIFT	DATE OF GIFT	VALUE AT DATE OF GIFT

- | | | |
|---|-------|-------|
| 6. Were any of the above gifts made by means of a trust? If "yes," provide a copy of the trust instrument and the trust's identification number. | _____ | _____ |
| 7. Does the value of any of the above gifts reflect a valuation discount? If so, provide a copy of the valuation report or the analysis upon which the discount is based. | _____ | _____ |

ORGANIZER FOR TAX EXEMPT ORGANIZATIONS (990) - SHORT VERSION

Organization Name _____

Tax Period _____

Address _____

Federal ID# _____

State ID# _____

Exempt Under § 501(c) _____

Provide a general ledger, trial balance, depreciation schedules, balance sheet, and statement of receipts and expenses as of year end. Section 501(c)(3) and (c)(4) organizations and § 4947(a)(1) trusts need to categorize expenses as to program services, management/general, and fund raising. In addition, the following information will be needed:

1. Provide information about any activities new to the organization which require IRS notification.
2. Provide copies of any changes to the governing documents or information related to a change in organization structure.
3. Provide a list of names of any related organizations and indicate whether they are exempt.
4. List the states with which a copy of this return is to be filed.
5. Provide a list of employee benefit plans for which the organization requires assistance in filing 5500 series forms.
6. Provide copies of any change notices received from any taxing authority.
7. Provide a schedule of "in-kind" contributions and indicate whether they are included in income.
8. Do you provide written acknowledgement to donors of individual contributions of \$250 or more?
9. Do you provide information on the amount of the deductible donation to donors of *quid pro quo* donations in excess of \$75?
10. Disclose taxes paid during the year for the following:
 - a) excess expenditures to influence legislation
 - b) disqualifying lobbying expenditures
 - c) political expenditures
 - d) excess benefit transactions
11. For each area of program service revenue, provide an explanation of how the activity contributes to the organization's exempt purpose.
12. Attach information related to the income and expenses from unrelated business income.

ORGANIZER FOR TAX EXEMPT ORGANIZATIONS (990) - SHORT VERSION

13. Provide copies of all K-1s received.
14. Provide a schedule of donors who gave property with a value of at least \$5,000.
15. Provide a schedule of the three largest fund raising events, describe the event and indicate the amount raised. (Attach a copy of fundraising materials.)
16. Prepare a statement describing the services provided under the four largest program services offered by the organization.
17. Provide a schedule of wages/compensation, deferred compensation and expense account payments for all officers, directors, trustees, key employees and advisors.
18. Provide a list of names and addresses of employees (other than officers) who received compensation in excess of \$50,000.
19. Provide a list of names and addresses of individuals/entities providing professional services to the organization at fees in excess of \$50,000.
20. Provide information including amounts expended regarding legislative, lobbying or political activities during the year.
21. Provide details regarding all transactions with a trustee, director, principal officer, or creator of the organization.
22. Section 501(c)(7) organizations—provide the amount of initiation fees and capital contributions.
23. Section 501(c)(12) organizations—attach a detailed computation of the 85% qualification test.
24. Public interest law firms—attach a list of cases litigated during the year and describe the benefit to the general public.
25. How many additional copies of the return are needed? _____
26. Do you have three years returns available for public inspection?
27. Additional information:

ORGANIZER FOR TAX EXEMPT ORGANIZATIONS (990)
(EXPANDED VERSION)

ORGANIZATION NAME _____

ADDRESS _____

TAX YEAR ENDING _____

FEDERAL ID# _____

STATE ID# _____

REGISTRATION # _____

EXEMPT UNDER § 501(C) _____

This organizer is designed to assist you in gathering the information needed to prepare the organization's current year tax returns. Complete the organizer and answer all questions. Should you have questions regarding any items, please call.

ORGANIZER FOR TAX EXEMPT ORGANIZATIONS (990)
(EXPANDED VERSION)

Provide a copy of the organization's general ledger, trial balance, depreciation schedules, balance sheet, and statement of revenues and expenses as of year-end. Section 501(c)(3) and (c)(4) organizations and § 4947(a)(1) trusts need to categorize expenses as to program services, management/general and fund raising. In addition, the following information will be needed:

YES NO N/A

100) GENERAL INFORMATION

101) If this is the first year we will prepare the tax return(s), provide the following from your file or your prior accountant: _____

- Tax returns for the prior three years _____
- Depreciation schedules _____
- IRS notification of exempt status _____
- Application for Exemption, Form 1023 or 1024 _____
- IRS determination letter for any qualified retirement plans _____

102) Is the organization's address different from last year? _____

103) List the names and telephone numbers of the organization's advisors.

	Name	Telephone
Attorney		
Banker		
Insurance Agent		
Broker		

104) List the states with which a copy of this return will be filed. _____

105) Did the organization engage in any activity not previously reported to the Internal Revenue Service? If "yes," provide a detailed description of each activity. _____

106) Were any changes made in the organizing or governing documents? If "yes," attach a copy of the changes and indicate if they have been reported to the IRS. _____

107) Did the organization undergo a liquidation, dissolution, termination, or substantial contraction during the year? If "yes," provide details. _____

108) Is the organization related (other than by association with a statewide or nationwide organization) through common membership, governing bodies, trustees, officers, etc., to any other organization? If "yes," enter the name of the organization and indicate if it is exempt or non-exempt. _____

109) Does the organization provide fringe benefits to employees such as health insurance, group term life insurance, education assistance, expense allowances, and personal use of organization owned vehicles? If "yes," list the benefits provided. _____

ORGANIZER FOR TAX EXEMPT ORGANIZATIONS (990)
(EXPANDED VERSION)

	<u>YES</u>	<u>NO</u>	<u>N/A</u>
110) Did the organization include taxable fringe benefits as compensation in employee W-2 forms and, if applicable, subject such amounts to payroll taxes?	_____	_____	_____
111) Does the organization sponsor any of the following employee benefit plans?	_____	_____	
.1) Qualified retirement plan(s)?			
If "yes," are we to prepare 5500 series form(s)?	_____	_____	
Number of plans: _____	_____	_____	
.2) SEP plan?	_____	_____	
If "yes," are we to calculate contribution?	_____	_____	
.3) Cafeteria plan?	_____	_____	
If "yes," are we to prepare 5500 series form?	_____	_____	
.4) Non-qualified retirement plan(s)?	_____	_____	
Number of plans: _____			
.5) Other employee benefit plans not described above?	_____	_____	
If "yes," please describe: _____			
112) Has the organization been notified of any changes to previous returns by any taxing authority? If "yes," provide copies of all correspondence.	_____	_____	
113) Has the organization posted the results of tax changes in its general ledger?	_____	_____	_____
114) Did the organization establish any new general ledger accounts during the tax year? If "yes," provide a list with a brief explanation of each account.	_____	_____	
115) Did the organization receive donated services or the use of materials, equipment, or facilities at no charge or at substantially less than fair rental value? If "yes," provide a detailed list indicating the value of each item and whether it is included in revenue and expense.	_____	_____	
116) Did the organization solicit any contributions or gifts that were not tax deductible? If "yes," did the organization include with every solicitation an express statement that such contributions or gifts were not tax deductible?	_____	_____	
117) For each of the four largest programs services offered by the organization, prepare a statement which fully describes the services provided, the number of persons benefitted and other achievements of the program. Section 501(c)(3) and (4) organizations must also identify the amount of any grants paid to others as part of the program.	_____		_____
118) Complete the following schedule for all officers, directors, trustees and key employees of the organization as of the last day of the tax year.	_____		_____

ORGANIZER FOR TAX EXEMPT ORGANIZATIONS (990)
(EXPANDED VERSION)

Name & Address	Title and Average Hours Per Week Devoted to Position	Compensation	Contribution to Employee Benefit Plans	Expense Account and Other Allowances

- 119) Did you incur any expenses to influence legislation, lobbying or other political activities during the year ? _____
- .1) If yes, provide a schedule of expenses and indicate to which accounts those expenses were posted. _____
- .2) Disclose taxes paid during the year for the following: _____
- a) excess expenditures to influence legislation
- b) disqualifying lobby expenditures
- c) political expenditures
- d) excess benefit transactions
- .3) Has the organization elected to pay the proxy tax? _____
- 120) Section 501(c)(3) organizations. Did the organization file Form 5678, Election/Revocation of Election by an Eligible § 501(c)(3) Organization to Influence Legislation? _____
- 121) Section 501(c)(7) organizations (club): _____
- .1) Did the organization receive initiation fees or capital contributions? If "yes," indicate the amount. \$ _____ _____
- .2) Did the organization receive gross receipts for public use of club facilities? If "yes," indicate the amount. \$ _____ _____
- .3) Does the club's governing instrument or any written policy statement provide for discrimination against any person because of race, color, or religion? _____
- 122) Section 501(c)(12) organizations. Attach a detailed computation of the 85% qualification test, including a detailed listing of gross income received from: (1) members or shareholders and (2) other sources. _____

ORGANIZER FOR TAX EXEMPT ORGANIZATIONS (990)
(EXPANDED VERSION)

123) Public interest law firms. Attach information describing each case litigated during the year or still in litigation and describe how the litigation will benefit the general public.

124) Does the organization have a taxable first or second-tier subsidiary? If "yes," complete the following:

Name, Address, and TIN of Corporation or Partnership	Percentage of Ownership Interest	Nature of Business Activities	Total Income	End-of-year Assets
1)				
2)				
3)				
4)				
5)				

125) Did the organization have unrelated business taxable income (UBTI) as a result of the operation of a trade or business not related to the organization's exempt function?

Note: UBTI is one of the most critical issues within tax exempt organization reporting. Provide complete information related to your revenue sources to allow proper determination of the income classification.

126) Provide copies of all Schedules K-1 received.

127) Provide a detailed list of the expenses directly related to the UBTI activity.

128) Provide a detailed list and explanation of the allocation method of general expenses allocated to UBTI.

129) Have cash receipts for UBI activities over \$10,000 been reported on Form 8300?

130) How many additional copies of the return are needed? _____

200) SECTIONS 501(c)(3), 501(e), (f) & (k) ORGANIZATIONS AND § 4947(a)(1) TRUSTS

201) Did the organization pay compensation in excess of \$50,000 to any employee other than officers, directors and/or trustees? If "yes," complete the following schedule for the five highest paid employees.

ORGANIZER FOR TAX EXEMPT ORGANIZATIONS (990)
(EXPANDED VERSION)

Name and Address of Employees Paid More Than \$50,000	Title and Average Hours Per Week Devoted to Position	Compensation	Contributions to Employee Benefit Plans	Expense Account and Other Allowances
1)				
2)				
3)				
4)				
5)				
Total number of other employees paid over \$50,000 _____				

202) Did the organization's board approve all compensation, including fringe benefits, travel and loans to all officers, directors and trustees? If so, provide a copy of the minutes where this action was taken. _____

203) Did the organization pay any individuals or companies in excess of \$50,000 for professional services? If "yes," complete the following schedule for the five highest paid service providers. _____

Name and Address of Persons Paid More Than \$50,000	Type of Service	Compensation
Total number of others receiving over \$50,000 for professional services _____		

204) Provide the actual cash receipts from public support. \$ _____

205) During the tax year, has the organization, either directly or indirectly, engaged in any of the following acts with a trustee, director, principal officer or creator of the organization or any taxable organization or corporation with which such person is affiliated as an officer, director, trustee, majority owner, or principal beneficiary? If "yes," provide an explanation of the transaction(s): _____

- .1) Sale, exchange or lease of property? _____
 - .2) Lending of money or other extension of credit? _____
 - .3) Furnishing of goods, services, or facilities? _____
 - .4) Payment of compensation or payment or reimbursement of expenses if more than \$1,000. _____
 - .5) Transfer any part of the organization's income or assets? _____
- If "yes," describe: _____

ORGANIZER FOR TAX EXEMPT ORGANIZATIONS (990)
(EXPANDED VERSION)

206) Does the organization make grants for scholarships, fellowships, student loans, etc.? If "yes," provide a statement explaining how the organization determines that those receiving disbursements from the organization in furtherance of its charitable programs qualify to receive payments.

207) Did the organization directly or indirectly engage in any of the following with any other organization described in § 501(c) (other than § 501(c)(3) organizations) or with any organizations described in § 527 (relating to political organizations):

.1) Transfers from the organization to a noncharitable exempt organization of:

(a) Cash?

(b) Other assets?

.2) Other transactions:

(a) Sales of assets to a noncharitable exempt organization?

(b) Purchases of assets from a noncharitable exempt organization?

(c) Rental of facilities or equipment?

(d) Reimbursement arrangements?

(e) Loans or loan guarantees?

(f) Performance of services or membership or fundraising solicitations?

.3) Sharing of facilities, equipment, mailing lists or other assets, or paid employees?

.4) If the answer to any of the above is "yes," complete the following schedule.

Amount Involved	Name of Noncharitable Exempt Organization	Description of Transfers, Transactions, and Sharing Arrangements

208) Is the organization directly or indirectly affiliated with, or related to, one or more tax-exempt organizations described in § 501(c) (other than § 501(c)(3)) or with any organizations described in § 527 (relating to political organizations)? If "yes," complete the following schedule.

ORGANIZER FOR TAX EXEMPT ORGANIZATIONS (990)
(EXPANDED VERSION)

Name of Organization	Type of Organization	Description of Relationship

300) PRIVATE SCHOOLS

301) Does the organization have a racially nondiscriminatory policy toward students by statement in its charter, bylaws, other governing instrument, or in a resolution of its governing body?

302) Does the organization include a statement of its racially nondiscriminatory policy toward students in all its brochures, catalogues, and other written communications with the public dealing with student admissions, programs, and scholarships?

303) Has the organization publicized its racially nondiscriminatory policy through newspaper or broadcast media during the period of solicitation for students, or during the registration period if it has no solicitation program, in a way that makes the policy known to all parts of the general community served? If "yes," provide a description; if "no," provide an explanation.

304) Does the organization maintain the following (provide an explanation of any "no" or "n/a" answers):

- .1) Records indicating the racial composition of the student body, faculty, and administrative staff?
- .2) Records documenting that scholarships and other financial assistance are awarded on a racially nondiscriminatory basis?
- .3) Copies of all catalogues, brochures, announcements, and other written communications to the public dealing with student admissions, programs, and scholarships?
- .4) Copies of all material used by the organization or on its behalf to solicit contributions?

305) Did the organization discriminate by race in any way with respect to (provide an explanation for any "yes" answers):

- .1) Students' rights or privileges?
- .2) Admissions policies?

ORGANIZER FOR TAX EXEMPT ORGANIZATIONS (990)
(EXPANDED VERSION)

- | | | |
|--|-------|-------|
| .3) Employment of faculty or administrative staff? | _____ | _____ |
| .4) Scholarships or other financial assistance? | _____ | _____ |
| .5) Educational policies? | _____ | _____ |
| .6) Use of facilities? | _____ | _____ |
| .7) Athletic programs? | _____ | _____ |
| .8) Other extracurricular activities? | _____ | _____ |

306) Did the organization receive any financial aid or assistance from a governmental agency? If "yes," provide a schedule and indicate if the organization's right to such aid has ever been revoked or suspended.

307) Does the organization certify that it has complied with the applicable requirements of §§ 4.01 through 4.05 of Rev. Proc. 75-50, covering racial nondiscrimination? If "no," provide an explanation.

400) REVENUE AND SUPPORT

401) Provide a schedule listing contributors who, during the tax year, gave (directly or indirectly) money, securities or property with a value totaling at least \$5,000 (exclude individual gifts of less than \$1,000). Provide the donor's name, address, total amount contributed and the date contributed. If the organization is exempt under § 501(c)(7), (8), (10), or (19), substitute \$1,000 for the \$5,000 above and explain the specific purpose and actual use of each gift.

402) Did the organization sell or dispose of any assets (other than inventory) during the tax year? If "yes," provide a schedule listing (sales of publicly traded securities may be aggregated):

- Description of asset
- Date acquired
- How acquired
- Date sold
- Buyer
- Gross sales price
- Cost, other basis, or if donated, value at time acquired (state which)
- Expense of sale
- Improvements made after acquisition
- Depreciation since acquisition

403) Did the organization sponsor any special fund raising events? If "yes," provide a schedule listing the three largest special events conducted, as measured by gross receipts. Describe each of these events and indicate for each event the gross receipts, the amount of contributions included in gross receipts, the gross revenue (gross receipts less contributions), the direct expenses, and the net income (gross revenue less direct expenses). Furnish the same information in total figures for all other special events held that are not among the three largest. Indicate the type and number of the events not listed individually (for example, three dances and two raffles). (Provide copies of fundraising materials.)

ORGANIZER FOR TAX EXEMPT ORGANIZATIONS (990)
(EXPANDED VERSION)

404) Provide a computation of cost of goods sold for the sale of inventory items. _____

405) Do you provide written acknowledgement to donors of individual contributions of \$250 or more? _____

406) Do you provide information on the amount of the deductible donation to donors of *quid pro quo* donations in excess of \$75? _____

500) EXPENSES

501) For all organizations other than § 501(c)(3) and (4) organizations and § 4947(a)(1) charitable trusts, does the organization desire to allocate expenses under the classifications of expenses related to management/general, program services, and fundraising? If "yes," categorize expenses on the organization's trial balance. _____

502) Did the organization award any grants or other allocations during the tax year? If "yes," provide a schedule of the following for each class of activity: _____

- Donee's name and address
- Amount of the grant or allocation
- Relationship of any donee to any person or corporation with an interest in the organization

503) Does the organization provide any of the following benefits to members or dependents (do not include employment-related benefits provided to officers and employees)? If "yes," provide a schedule showing amounts of: _____

- Death, sickness, hospitalization, or disability benefits
- Unemployment compensation benefits
- Other benefits (describe)

504) Did the organization make payments to affiliates? If "yes," provide a schedule listing the following: _____

- Name and address of each affiliate receiving payments
- Amount and purpose of the payments

505) For § 501(c)(3),(4) organizations, did the organization evaluate compensation and benefits payments to officers, directors and employees under the excess benefit rules? _____

600) BALANCE SHEET

601) Does the organization have any loans (include receivables from officers, directors, trustees and key employees) at year-end? If "yes," provide a schedule showing the following information:

ORGANIZER FOR TAX EXEMPT ORGANIZATIONS (990)
(EXPANDED VERSION)

- Borrower's name (identify officers, directors, trustees or key employees)
- Original amount
- Balance due at year end
- Date of note
- Maturity date
- Repayment terms
- Interest rate
- Security provided by the borrower
- Purpose of the loan
- Description and fair market value of the consideration furnished by the lender (for example, cash - \$1,000; or 100 shares of XYZ, Inc. common stock - \$9,000).

602) Does the organization hold any land, buildings or equipment for investment purposes? If "yes," provide a schedule listing the following: Description, cost or other basis, accumulated depreciation, investment in fixed assets held at year-end. Show the cost or other basis, accumulated depreciation, and book value for each asset.

603) Does the organization hold securities or other investments (other than land, buildings and equipment)? If "yes," provide a schedule describing each of these investments held at year-end, providing the book value for each and indicating whether the investment is listed at cost or end of year market value.

604) Did the organization receive contributions or grants that contributors or grantors have designated as payable for one or more future years? If "yes," provide a schedule describing each contribution or grant and indicate the total amount of each item and the amount applicable to each future period.

605) Does the organization have loans payable at year end? If "yes," provide a schedule showing the following information (identify officers, directors, trustees or key employees):

- The name of lender
- Original amount
- Balance due at year end
- Date of note
- Maturity date
- Repayment terms
- Interest rate
- Security provided by the borrower
- Purpose of the loan
- The relationship of the lender to any officer, director, trustee, or key employee of the organization.

ORGANIZER FOR TAX EXEMPT ORGANIZATIONS (990)
(EXPANDED VERSION)

COMMENTS OR EXPLANATIONS

INDIVIDUAL TAX ORGANIZER
FORM 1040

Enclosed is an Organizer to assist you in compiling the information necessary to prepare your individual income tax returns.

The Internal Revenue Service matches information returns with amounts reported. A negligence penalty may be assessed where dividends and interest are underreported. Accordingly, all Forms W-2, 1098 and 1099, Schedules K-1 and other information returns reflecting amounts reported to the Internal Revenue Service should be submitted with your Organizer.

For your convenience there is an engagement letter enclosed which explains the services to be performed for you. Please sign the copy and return it in the enclosed envelope. Keep the original for your records.

To continue providing quality services on a timely basis, I urge you to collect your information as soon as possible. If information from "passthrough" entities such as partnerships, trusts and S corporations is the only data you are missing, please send the data you have assembled and forward the missing information as soon as it is available.

I look forward to providing services to you. Should you have questions regarding any items, please call.

INDIVIDUAL TAX ORGANIZER (1040)

If we did not prepare your prior year returns, please provide a copy of federal and state returns for the three previous years. Complete pages 1 through 3 and all applicable sections.

Your Name _____ SS# _____ Occupation _____

Spouse's Name _____ SS# _____ Occupation _____

Home Address _____

City, Town, or Post Office _____ County _____ State _____ Zip Code _____ School District _____

Telephone Number Home (____) _____ Email (____) _____	Telephone Number (T)* Office (____) _____ Fax (____) _____	Telephone Number (S)* Office (____) _____ Fax (____) _____
---	--	--

Taxpayer: Date of Birth _____ Blind? - Yes ___ No ___

Spouse: Date of Birth _____ Blind? - Yes ___ No ___

Dependent Children Who Lived With You:

Full Name	Social Security Number	Relationship	Birth date

Other Dependents:

Full Name	Social Security Number	Relationship	Number Months Resided in Your Home	% Support Furnished By You

*T= Taxpayer *S=Spouse

INDIVIDUAL TAX ORGANIZER (1040)

Please answer the following questions and submit details for any question answered "Yes":

	<u>YES</u>	<u>NO</u>
1. Did your marital status change during the year?	_____	_____
2. Will the address on your current returns be different from that shown on your prior year returns? If yes, provide the new address.	_____	_____
3. Were there any changes in dependents from the prior year?	_____	_____
4. Are you entitled to a dependency exemption due to a divorce decree?	_____	_____
5. Did any of your dependents have income of \$650 or more?	_____	_____
6. Did any of your children under age 14 have investment income of over \$1,300? If yes, do you want to include your child's income on your return?	_____	_____
7. Are any dependent children married and filing a joint return with their spouse?	_____	_____
8. Did any dependent child over 19 years of age attend school less than 5 months during the year?	_____	_____
9. Did you receive income from any legal proceedings, cancellation of student loans or other indebtedness during the year? If yes, furnish details.	_____	_____
10. Did you make any gifts during the year directly or in trust exceeding \$10,000 per person?	_____	_____
11. Did you have any interest in, or signature, or other authority over a bank, securities, or other financial account in a foreign country?	_____	_____
12. Were you a resident of, or did you earn income in, more than one state during the year?	_____	_____
13. Do you wish to have \$3 (or \$6 on joint return) of your taxes applied to the Presidential Campaign Fund?	_____	_____
14. Do you wish to contribute to any state fund(s)? If yes, indicate amount(s) and which fund(s): _____ _____	_____	_____
15. Do you want any overpayment of taxes applied to next year's estimated taxes?	_____	_____
16. Do you want any remaining federal refund deposited directly to your bank account? If yes, enclose a voided check.	_____	_____
17. Do you expect a large fluctuation in your income, deductions or withholding next year?	_____	_____
18. Did you receive a total distribution from an IRA or other qualified plan that was partially or totally rolled over into another IRA or qualified plan within 60 days of the distribution?	_____	_____
19. Did you receive any disability payments this year?	_____	_____

INDIVIDUAL TAX ORGANIZER (1040)

	<u>YES</u>	<u>NO</u>
20. Did you receive tip income not reported to your employer?	_____	_____
21. Did you sell and/or purchase a principal residence or other real estate?	_____	_____
22. Did you have any installment sale amounts due from relatives?	_____	_____
23. Did you receive income from tax-exempt securities?	_____	_____
24. Do you have any worthless securities or any loans that became uncollectible this year?	_____	_____
25. Did you receive unemployment compensation?	_____	_____
26. Did you have any casualty or theft losses during the year?	_____	_____
27. Did you have foreign income or pay any foreign taxes?	_____	_____
28. If there were dues paid to an association, was any portion not deductible due to political lobbying by the association or benefits received?	_____	_____
29. Has the IRS, any state or local taxing agency notified you of changes to a prior year's tax return?	_____	_____
30. Are you aware of any changes to your income, deductions and credits reported on a prior year's returns?	_____	_____
31. Did you purchase gasoline, oil, or special fuels for non-highway vehicles?	_____	_____
32. If you or your spouse have self-employment income, did you pay any health insurance premiums? If yes, were either you or your spouse eligible to participate in an employee's health insurance plan?	_____	_____
33. If you or your spouse have self-employment income, do you want to make a retirement plan contribution?	_____	_____
34. Did you acquire any "qualified small business stock?"	_____	_____
35. Did you pay any household employee wages of \$1,000 or more? If yes, furnish details. _____ If yes, did you pay total wages of \$1,000 or more in any calendar quarter of 1995 or 1996 to household employees?	_____	_____
36. Did you surrender any U.S. savings bonds?	_____	_____
37. Did you use the proceeds from Series EE U.S. savings bonds purchased after 1989 to pay for higher education expenses?	_____	_____
38. Did you realize a gain on property which was taken from you by destruction, theft, seizure or condemnation?	_____	_____
39. Did you start a business?	_____	_____

INDIVIDUAL TAX ORGANIZER (1040)

- | | <u>YES</u> | <u>NO</u> |
|---|------------|-----------|
| 40. Did you purchase rental property? | _____ | _____ |
| 41. Did you acquire interests in partnerships or S corporations? | _____ | _____ |
| 42. Do you have records to support travel and entertainment expenses? The law requires that adequate records be maintained for travel and entertainment expenses. The documentation should include: amount, time and place, date, business purpose, description of gift(s) (if any), and business relationship of recipient(s). | _____ | _____ |
| 43. Were you the grantor, transferor or beneficiary of a foreign trust? If yes, furnish details. | _____ | _____ |

ESTIMATED TAX PAYMENTS MADE

	FEDERAL		STATE (NAME):	
	Date Paid	Amount Paid	Date Paid	Amount Paid
Prior year overpayment applied				
1st Quarter				
2nd Quarter				
3rd Quarter				
4th Quarter				

WAGES, SALARIES, AND OTHER EMPLOYEE COMPENSATION - List and enclose all W-2 Forms.

TS*	Employer	Gross Wages	Fed W/H	FICA W/H	Medicare W/H	State W/H	Local W/H

PENSION AND ANNUITY INCOME - List and enclose all Forms 1099R.

TS*	Name of Payor	Total Received	Taxable Amount	Federal Tax Withheld	State Tax Withheld

*T = Taxpayer S = Spouse

- | | | |
|---|-------|-------|
| 1. Did you receive a lump sum distribution from your employer? | _____ | _____ |
| 2. Did you "rollover" a lump sum distribution into another plan or IRA account? | _____ | _____ |
| 3. Have you elected a lump sum treatment after 1986? | _____ | _____ |
| Taxpayer | _____ | _____ |
| Spouse | _____ | _____ |

INDIVIDUAL TAX ORGANIZER (1040)

SOCIAL SECURITY BENEFITS RECEIVED - List and enclose all 1099 SSA Forms.

	Gross	Medicare Premiums Deducted	Net Received
Taxpayer	\$	\$	\$
Spouse	\$	\$	\$

INTEREST INCOME - List and enclose all 1099-INT forms and statements of tax exempt interest earned.

TSJ*	Name of Payor per Form 1099 or statement	Banks, S&L, Etc.	Seller Fin. Mtg.	U.S. Bonds, T-Bills	<u>Tax-Exempt</u>	
					In-State	Out-of-State
	Early Withdrawal Penalties					

*T = Taxpayer S = Spouse J = Joint

Interest Income (Seller Financed Mortgage)

Name of Payor	Social Security Number	Address	Interest Recorded

INDIVIDUAL TAX ORGANIZER (1040)

DIVIDEND INCOME - List and enclose all 1099-DIV Forms and statements of tax exempt dividends earned.

TSJ*	Name of Payor per 1099 or statement	Gross Dividend	Non Taxable	Capital Gain	Federal Tax Withheld	Foreign Tax Withheld

*T = Taxpayer S = Spouse J = Joint

MISCELLANEOUS INCOME - List and enclose related 1099(s) or other forms.

Description	Amount
State and local income tax refund(s)	
Alimony received	
Jury fees	
Finder's fees	
Director's fees	
Prizes	
Other miscellaneous income	

INDIVIDUAL TAX ORGANIZER (1040)

INCOME FROM BUSINESS OR PROFESSION

Who owns this business? ☐ Taxpayer ☐ Spouse ☐ Joint

Principal business or profession _____

Business name _____

Business taxpayer identification number _____

Business address _____

Method(s) used to value closing inventory:

___ Cost ___ Lower of cost or market ___ Other (describe) _____ N/A ___

Accounting method:

___ Cash ___ Accrual ___ Other (describe) _____

- | | <u>YES</u> | <u>NO</u> |
|---|------------|-----------|
| 1. Was there any change in determining quantities, costs or valuations between the opening and closing inventory? If "yes," attach explanation. | _____ | _____ |
| 2. Did you deduct expenses for the business use of your home? If "yes," see attached schedule. | _____ | _____ |
| 3. Did you materially participate in the operation of the business during the year? | _____ | _____ |
| 4. Was all of your investment in this activity at risk? | _____ | _____ |
| 5. Were any assets sold during the year? If "yes," list assets sold including date acquired, date sold, sales price, basis and gain or loss. | _____ | _____ |
| 6. Were any assets purchased during the year? If "yes," list assets acquired, including date placed in service and purchase price, including trade-in. Include copies of purchase invoices. | _____ | _____ |
| 7. Was this business still in operation at the end of the year? | _____ | _____ |
| 8. List the states in which business was conducted.

_____ | | |
| 9. Provide copies of certification for members of target groups and associated wages qualifying for Work Opportunities Credit. SBJPA 1996. | _____ | _____ |

Attach a schedule of income and expenses of the business or complete the following worksheet. Complete a separate schedule for each business.

INDIVIDUAL TAX ORGANIZER (1040)

Description	Amount
Part I - Income	
Gross receipts or sales	
Returns and allowances	
Other income (List type and amount)	
Part II - Cost of Goods Sold	
Inventory at beginning of year	
Purchases less cost of items withdrawn for personal use	
Cost of labor (Do not include salary paid to yourself)	
Materials and supplies	
Other costs (List type and amount)	
Inventory at end of year	
Part III - Expenses	
Advertising	
Bad debts from sales or services	
Car and truck expenses (Complete Auto Expense Schedule on Page 20)	
Commissions and fees	
Depletion	
Depreciation and section 179 expense deduction (provide depreciation schedules)	
Employee benefit programs (other than Pension and Profit Sharing plans shown below)	
Insurance (other than health)	
Interest:	
a. Mortgage (paid to banks, etc.)	
b. Other	
Legal and professional services	
Office expense	
Pension and profit-sharing plans (employee's portion only)	
Rent or lease:	
a. Vehicles, machinery, and equipment	

INDIVIDUAL TAX ORGANIZER (1040)

b. Other business property	
Repairs and maintenance	
Supplies	
Taxes and licenses (Enclose copies of payroll tax returns)	
Travel, meals, and entertainment:	
a. Travel	
b. Meals and entertainment	
Utilities	
Wages (enclose copies of W-3/W-2 forms).	
Lobbying expenses	
Club dues:	
a. Civic club dues	
b. Social or entertainment club dues	
Other expenses (list type and amount)	

INDIVIDUAL TAX ORGANIZER (1040)

OFFICE IN HOME

To qualify for an office in home deduction, the area must be used exclusively for business purposes on a regular basis in connection with your employer's business and for your employer's convenience. If you are self-employed, it must be your principal place of business or you must be able to show that income is actually produced there. If business use of home relates to daycare, provide total hours of business operation for the year.

Business or activity for which you have an office	Total area of the house (square feet)	Area of business portion (square feet)	Business percentage

I. DEPRECIATION

	Date Placed in Service	Cost/Basis	Method	Life	Prior Depreciation	Current Expense
House						
Land						
Total Purchase Price						
Improvements (Provide details)						

II. EXPENSES TO BE PRORATED:

Mortgage interest	_____
Real estate taxes	_____
Utilities	_____
Property insurance	_____
Other expenses - itemize	_____

III. EXPENSES THAT APPLY DIRECTLY TO HOME OFFICE:

Telephone	_____
Maintenance	_____
Other expenses - itemize	_____

INDIVIDUAL TAX ORGANIZER (1040)

CAPITAL GAINS AND LOSSES - Enclose all 1099-B and 1099-S Forms. If you wish us to complete the following schedule furnish all your brokerage account statements and transaction slips.

Enter sales reported to you on Forms 1099-B and 1099-S:

Description	Date Acquired	Date Sold	Sales Proceeds	Cost or Basis	Gain (Loss)

Enter the sales **NOT** reported on forms 1099-B and 1099-S:

Description	Date Acquired	Date Sold	Sales Proceeds	Cost or Basis	Gain (Loss)

INDIVIDUAL TAX ORGANIZER (1040)

SALE/PURCHASE OF PERSONAL RESIDENCE

Provide closing statements on purchase and sale of old residence and purchase of new residence. If you have previously sold a residence, provide a copy of the Form 2119 filed with your tax return for the year of the most recent sale.

Date you moved into new residence _____

Improvements to old residence - itemize

Description	Amount

Was the residence that was sold ever used for business purposes or as a rental property? Yes _____ No _____

If you have not purchased a new home, do you plan to purchase a new residence within 24 months of the sale of your old residence? Yes _____ No _____

MOVING EXPENSES

Did you change your residence during this year incident to a change in employment, transfer, or self-employment? Yes _____ No _____

If "yes," furnish the following information:

Number of miles from your former residence to your new business location _____ miles

Number of miles from your former residence to your former business location _____ miles

Did your employer reimburse or pay directly any of your moving expenses? Yes _____ No _____

If "yes," enclose the employer provided itemization form (Form 4782) and note the amount of reimbursement received. \$ _____

Itemize below the total moving costs you paid without reduction for any reimbursement by your employer.

Expenses of moving from old to new home:

Transportation expenses in moving household goods and family \$ _____

Cost of storing and insuring household goods \$ _____

INDIVIDUAL TAX ORGANIZER (1040)

RENTAL INCOME - Complete a separate schedule for each property.

1. Description and location of property _____

2. Residential property? Yes _____ No _____
3. Personal use? Yes _____ No _____

If "yes," please complete the information below.

Number of days the property was occupied by you, a member of the family, or any individual not paying rent at the fair market value. _____

Number of days the property was not occupied. _____

4. Did you actively participate in the operation of the rental property during the year? Yes _____ No _____
5. a) Were more than half of personal services that you performed during the year performed in real property trades or businesses in which you materially participated? Yes _____ No _____
- b) Did you perform more than 750 hours of services during the year in real property trades or businesses in which you materially participated? Yes _____ No _____
6. a) Were more than half of personal services that your spouse performed during the year performed in real property trades or businesses in which your spouse materially participated? Yes _____ No _____
- b) Did your spouse perform more than 750 hours of services during the year in real property trades or businesses in which your spouse materially participated? Yes _____ No _____

Income:			
Rents received		Other income	
Expenses:			
Mortgage interest		Legal	
Other interest		Cleaning	
Insurance		Assessments	
Repairs and maintenance		Utilities	
Travel		Other (itemize)	
Advertising			
Taxes			

If this is the first year we are preparing your return, provide depreciation records.

If this is a new property, provide the closing statement.

INDIVIDUAL TAX ORGANIZER (1040)

List below any improvements or assets purchased during the year.

Description	Date placed in service	Cost

If the property was sold during the year, provide the closing statement.

INCOME FROM PARTNERSHIPS, ESTATES OR TRUSTS, S CORPORATIONS

Enclose all schedule K-1 forms received to date. Also list below all K-1 forms not yet received:

Name	Source Code*	Federal ID #

*Source Code: P = Partnership E = Estate/Trust S = S Corporation

INDIVIDUAL TAX ORGANIZER (1040)

CONTRIBUTIONS TO RETIREMENT PLANS

	TAXPAYER	SPOUSE
Are you covered by a qualified retirement plan? (Y/N)		
Do you want to make the maximum deductible IRA contribution? (Y/N)		
Do you want to make an IRA contribution even if part or all of it may not be deducted? (Y/N)		
If "Y," provide the following information: Copy of latest Form 8606 filed IRA payments made for this return.	\$	\$
IRA payments made for this return for nonworking spouse.	\$	\$
Do you want to make the maximum allowable Keogh/SEP SIMPLE contribution? (Y/N)		
KEOGH/SEP SIMPLE payments made for this return.	\$	\$

ALIMONY PAID

Name of Recipient(s) _____

SS# of Recipient(s) _____

Amount(s) Paid \$ _____

If a divorce occurred this year, enclose a copy of the divorce decree and property settlement.

INDIVIDUAL TAX ORGANIZER (1040)

MEDICAL AND DENTAL EXPENSES

Description	Amount
Premiums for health and accident insurance including medicare	
Medicine and drugs (prescription only)	
Doctors, dentists, nurses	
Hospitals, clinics, laboratories	
Other: Eyeglasses	
Ambulance	
Medical supplies	
Hearing aids	
Lodging and meals	
Travel	
Mileage (number of miles)	
Payments for in-home care (complete later section on home care expenses)	
Insurance reimbursements received	

Were any of the above expenses related to cosmetic surgery?

Yes _____ No _____

DEDUCTIBLE TAXES

Description	Amount
State and local income taxes payments made this year for prior year(s).	
Real estate taxes: Primary residence	
Secondary residence	
Other	
Personal property tax	
Ad valorem tax on automobile, truck, or trailer: Vehicle #1	
Vehicle #2	
Vehicle #3	
Intangible tax	
Other taxes (itemize)	
Foreign tax withheld (may be used as a credit)	

INDIVIDUAL TAX ORGANIZER (1040)

INTEREST EXPENSE

Mortgage interest (attach 1098 forms.)

Payee*	Property**	Amount

*Include address and social security number if payee is an individual.

**Describe the property securing the related obligation, i.e., principal residence, motor home, boat, etc.

Unamortized Points

Payee	Purpose	Amount

Investment/Passive Interest

Payee	Investment Purpose	Amount

Business Interest

Payee	Business Purpose	Amount

INDIVIDUAL TAX ORGANIZER (1040)

CONTRIBUTIONS

Cash contributions for which you have receipts, canceled checks, etc. NOTE: You need to have written acknowledgment from any charity to which you made individual donations of \$250 or more during the year.

Donee	Amount	Donee	Amount

Cash contributions for which no receipts are available

Donee	Amount	Donee	Amount

Expenses incurred in performing volunteer work for charitable organizations:

Parking fees and tolls	\$ _____
Supplies	\$ _____
Meals & Entertainment	\$ _____
Other (itemize)	\$ _____
Actual out-of-pocket expenses for gas, oil, etc.	\$ _____

OR

Mileage _____

Other than cash contributions (enclose receipt(s)):

Organization name and address			
Description of property			
Date acquired			
How acquired			
Cost or basis			
Date contributed			
Fair market value (FMV)			
How FMV determined			

INDIVIDUAL TAX ORGANIZER (1040)

CASUALTY OR THEFT LOSSES

Loss of property by theft or damage to property by fire, storm, car accident, shipwreck, flood, or other "act of God."

	Property 1	Property 2	Property 3
Indicate type of property	<input type="checkbox"/> Business <input type="checkbox"/> Personal	<input type="checkbox"/> Business <input type="checkbox"/> Personal	<input type="checkbox"/> Business <input type="checkbox"/> Personal
Description of property			
Date acquired			
Cost			
Date of loss			
Description of loss			
Was property insured? (Y/N)			
Was insurance claim made? (Y/N)			
Insurance proceeds			
Fair market value before loss			
Fair market value after loss			

MISCELLANEOUS DEDUCTIONS

Description	Amount
Union dues	
Income tax preparation fees	
Legal fees (provide details)	
Safe deposit box rental (if used for storage of documents or items related to income-producing property)	
Small tools	
Uniforms which are not suitable for wear outside work	
Safety equipment and clothing	
Professional dues	
Business publications	
Unreimbursed cost of business supplies	
Employment agency fees	
Necessary expenses connected with producing or collecting income or for managing or protecting property held for producing income not reported on Form 2106 - Employee unreimbursed business expense	
Business use of home - (use "office in home" schedule provided in this organizer)	
Other miscellaneous deductions - itemize	

INDIVIDUAL TAX ORGANIZER (1040)

EMPLOYEE BUSINESS EXPENSES

Expenses incurred by: ☐ Taxpayer ☐ Spouse Occupation _____

(Complete a separate schedule for each business)

Description	Total Expense Incurred	Employer Reimbursement Reported on W-2	Employer Reimbursement Not on W-2
Travel expenses while away from home:			
Travel fares			
Lodging			
Meals and entertainment			
Other employee business expenses - itemize			

Automobile Expenses - Complete a separate schedule for each vehicle.

Vehicle description _____	Total business miles _____
Date placed in service _____	Total commuting miles _____
Cost/Fair market value _____	Total other personal miles _____
Lease term, if applicable _____	Total miles this year _____
	Average daily round trip commuting distance _____
Actual expenses	Taxes _____
Gas, oil _____	Tags & licenses _____
Repairs _____	Interest _____
Tires, supplies _____	Lease payments _____
Insurance _____	Other _____
Parking _____	

Did you acquire, lease or dispose of a vehicle for business during this year? Yes _____ No _____

If yes, enclose purchase and sales contract or lease agreement.

Did you use the above vehicle in this business less than 12 months? Yes _____ No _____

If "yes," enter the number of months _____.

Do you have another vehicle available for personal purposes? Yes _____ No _____

Do you have evidence to support your deduction? Yes _____ No _____

Is the evidence written? Yes _____ No _____

INDIVIDUAL TAX ORGANIZER (1040)

CHILD CARE EXPENSES/HOME CARE EXPENSES

Did you pay an individual or an organization to perform services in the care of a dependent under 13 years old in order to enable you to work or attend school on a full time basis?

Yes _____ No _____

Did you pay an individual to perform in-home health care services for yourself, your spouse, or dependents?

Yes _____ No _____

If "yes," complete the following information:

Name and relationship of the dependents for whom services were rendered

List individuals or organizations to whom expenses were paid during the year. (Services of a relative may be deductible only if that relative is not a dependent and if the relative's services are considered employment for social security purposes.)

Name and Address	ID#	Amount

If payments of \$1,000 or more during the tax year were made to an individual, were the services performed in your home?

Yes _____ No _____

Was the individual who performed the services age 18 or older?

Yes _____ No _____

FIDUCIARY TAX ORGANIZER
FORM 1041

This organizer is designed to assist you in gathering the information needed to prepare the current year tax returns. Please complete the organizer and answer all questions. Should you have questions regarding any items, please call.

FIDUCIARY TAX ORGANIZER (1041)

Trust/Estate Name _____ TIN# _____

Fiduciary Name _____ SS# _____

Address _____

City, Town, or Post Office _____ County _____ State _____ Zip _____ Code _____

Telephone Number
Home (____) _____

Telephone Number
Office (____) _____

If this is the first year we will prepare the tax return(s), provide the following from your file or your prior accountant:

- Will or trust agreement
- Tax returns for the prior three years
- Depreciation schedules
- Passive loss carryover information

If not previously furnished, provide copies of:

- Death certificate, if an estate or grantor or beneficiaries are deceased
- Birth certificates of beneficiaries
- Marriage certificates of beneficiaries

Has there been a change in trustee?

Yes _____ No _____

Has there been a change in beneficiaries?

Yes _____ No _____

If so, provide new beneficiary information.

Yes _____ No _____

Is this a foreign trust?

Yes _____ No _____

If a foreign trust, is the grantor or any beneficiary a U.S. person

Yes _____ No _____

BENEFICIARIES

Full Name	Social Security Number	Address

FIDUCIARY TAX ORGANIZER (1041)

ESTIMATED TAX PAYMENTS MADE

	FEDERAL		STATE	
	Date Paid	Amount Paid	Date Paid	Amount Paid
Prior year overpayment applied				
1st Quarter				
2nd Quarter				
3rd Quarter				
4th Quarter				

INTEREST INCOME - Enclose 1099-INT forms and statements for all interest income including tax-exempt interest income.

Name of Payor per Form 1099 or statement	Banks, S&L, Etc.	Seller Fin. Mtg.	U.S. Bonds, T-Bills	<u>Tax-Exempt</u>	
				In-State	Out-of-State
Early Withdrawal Penalties					

FIDUCIARY TAX ORGANIZER (1041)

DIVIDEND INCOME - Enclose 1099-DIV Forms and statements for all dividends including tax-exempt dividends.

Name of Payor per 1099 or statement	Gross Dividend	Non Taxable	Capital Gain	Federal Tax Withheld	Foreign Tax Withheld

MISCELLANEOUS INCOME - List or enclose related 1099(s) or other forms.

Description	Amount
State and local income tax refund(s)	
Other miscellaneous income	

INCOME FROM TRADE OR BUSINESS

Principal trade or business _____

Business name _____

Business taxpayer identification number _____

Business address _____

Method(s) used to value closing inventory:

FIDUCIARY TAX ORGANIZER (1041)

___ Cost ___ Lower of cost or market ___ Other (describe) _____ N/A _____

Accounting method:

___ Cash ___ Accrual ___ Other (describe) _____

- | | <u>YES</u> | <u>NO</u> |
|---|------------|-----------|
| 1. Was there any change in determining quantities, costs or valuations between the opening and closing inventory? If "yes," attach explanation. | _____ | _____ |
| 2. Were any assets sold during the year? If "yes," list assets sold including date acquired, date sold, sales price, basis and gain or loss. | _____ | _____ |
| 3. Were any assets purchased during the year? If "yes," list assets acquired, including date placed in service and purchase price, including trade-in. Include copies of purchase invoices. | _____ | _____ |
| 4. List states in which business was conducted. | | |
| _____ | | |
| _____ | | |
| 5. Provide copies of certification for members of target groups and associated wages paid after September 30, 1996 qualifying for Work Opportunities Credit. SBJPA 1996. | _____ | _____ |

Attach a financial statement of the business or complete the following worksheet.
Complete a separate schedule for each business.

Description	Amount
Part I - Income	
Gross receipts or sales	
Returns and allowances	
Other income (List type and amount)	
Part II - Cost of Goods Sold	
Inventory at beginning of year	
Purchases less cost of items withdrawn for personal use	
Cost of labor	
Materials and supplies	
Other costs (List type and amount)	
Inventory at end of year	
Part III - Expenses	
Advertising	

FIDUCIARY TAX ORGANIZER (1041)

Bad debts from sales or services	
Car and truck expenses (Provide details on separate sheet)	
Commissions and fees	
Depletion	
Depreciation and section 179 expense deduction (provide depreciation schedules)	
Employee benefit programs (other than Pension and Profit Sharing plans shown below)	
Insurance (other than health)	
Interest:	
a. Mortgage (paid to banks, etc.)	
b. Other	
Legal and professional services	
Office expense	
Pension and profit-sharing plans (employee's portion only)	
Rent or lease:	
a. Vehicles, machinery, and equipment	
b. Other business property	
Repairs and maintenance	
Supplies	
Taxes and licenses	
Travel, meals, and entertainment:	
a. Travel	
b. Meals and entertainment	
Utilities	
Wages	
Club dues:	
a. Civic club dues	
b. Social or entertainment club dues	
Other expenses (list type and amount)	

CAPITAL GAINS AND LOSSES - Enclose all 1099-B and 1099-S Forms. If you want us to complete the following information furnish all your brokerage account statements and transaction slips.

FIDUCIARY TAX ORGANIZER (1041)

Enter sales reported to you on Forms 1099-B and 1099-S:

Description	Date Acquired	Date Sold	Sales Proceeds	Cost or Basis	Gain (Loss)

Enter any sales **NOT** reported on forms 1099-B and 1099-S:

Description	Date Acquired	Date Sold	Sales Proceeds	Cost or Basis	Gain (Loss)

FIDUCIARY TAX ORGANIZER (1041)

INCOME FROM PARTNERSHIPS, ESTATES OR TRUSTS, S CORPORATIONS - Enclose all schedule K-1 forms received to date. Also list below all K-1 forms not yet received:

Name	Source Code*	Federal ID #

*Source Code: P = Partnership E = Estate/Trust F = Foreign Trust S = S Corporation

FIDUCIARY TAX ORGANIZER (1041)

RENTAL INCOME - Complete a separate schedule for each property.

Description and location of property _____

Residential property? Yes _____ No _____

Personal use? Yes _____ No _____

If "yes," please complete the information below.

Number of days the property was occupied by a related party not paying rent at the fair market value. _____

Number of days the property was not occupied. _____

Income:			
Rents received		Other income	
Expenses:			
Mortgage interest		Legal	
Other interest		Cleaning	
Insurance		Assessments	
Repairs and maintenance		Utilities	
Travel		Other (itemize)	
Advertising			
Taxes			

If this is the first year we are preparing your return, provide depreciation records.

If this is a new property, provide the closing statement.

List below any improvements or assets purchased during the year?

Description	Date placed in service	Cost

If the property was sold during the year, provide the closing statement.

FIDUCIARY TAX ORGANIZER (1041)

CONTRIBUTIONS

Cash contributions for which you have receipts, canceled checks, etc.

NOTE: You need to have written acknowledgment from any charity to which you made individual donations of \$250 or more during the year.

Donee	Amount	Donee	Amount

Cash contributions for which no receipts are available:

Donee	Amount	Donee	Amount

Other than cash contributions:

Organization name and address			
Description of property			
Date acquired			
How acquired			
Cost or basis			
Date contributed			
Fair market value (FMV)			
How FMV determined			

FIDUCIARY TAX ORGANIZER (1041)

INTEREST EXPENSE

Mortgage interest (attach 1098 forms.)

Payee*	Property**	Amount

*Include address and social security number if payee is an individual.

**Describe the property securing the related obligation, i.e., principal residence, motor home, boat, etc.

Unamortized Points

Payee	Purpose	Amount

Investment/Passive Interest

Payee	Investment Purpose	Amount

Business Interest

Payee	Business Purpose	Amount

FIDUCIARY TAX ORGANIZER (1041)

DEDUCTIBLE TAXES

Description	Amount
State and local income tax payments made this year for prior year(s).	
Real estate taxes:	
Personal property tax	
Intangible tax	
Other taxes (itemize)	
Foreign tax withheld (may be used as a credit)	

MISCELLANEOUS DEDUCTIONS

Description	Amount
Income tax preparation fees	
Legal fees (provide details)	
Safe deposit box rental (if used for storage of documents or items related to income-producing property)	
Fiduciary Fees	
Investment Fees	
Other miscellaneous deductions - itemize	

PARTNERSHIP TAX ORGANIZER (1065)

Organization Name _____	Tax Period _____
Address _____	Federal ID# _____
_____	State ID# _____

Provide a general ledger, trial balance, depreciation schedules, balance sheet and profit and loss statement. In addition, provide the following information:

	<u>DONE</u>	<u>N/A</u>
1. Attach copies of notices from tax authorities regarding changes to prior year returns.	_____	_____
2. Provide details of partner ownership changes.	_____	_____
3. For each partner, provide ID#, address, percentage of ownership, profit/loss %, and general or limited classification. Identify the Tax Matters Person.	_____	_____
4. Schedule all payments or distributions to or for partners including descriptions, amounts and the accounts to which these amounts have been posted.	_____	_____
5. Schedule loans to/from partners and related parties including interest rates and payment schedules.	_____	_____
6. Provide a schedule of all fringe benefits paid on behalf of partners and indicate which benefits have been included in their guaranteed payments.	_____	_____
7. Provide detailed analysis of entries in prepaid and accrued expense accounts.	_____	_____
8. Provide forms 1099, 941, 940, 5500 and W-2s that have been filed.	_____	_____
9. Provide a schedule of all interest and dividend income.	_____	_____
10. Schedule assets acquired and/or sold during the year including date acquired, date sold, sales or purchase price, including any trade-in allowance.	_____	_____
11. Provide a copy of the inventory uniform capitalization computation.	_____	_____
12. Provide a schedule of contributions.	_____	_____
13. Provide detail of any lobbying expenses.	_____	_____
14. Schedule non-deductible expenses such as penalties and life insurance premiums.	_____	_____
15. Provide a schedule of any club dues paid.	_____	_____
16. Provide vehicle and mileage data for partnership owned passenger vehicles.	_____	_____
17. Provide details of miscellaneous expenses.	_____	_____
18. Furnish total of meal and entertainment expenses.	_____	_____
19. List each type of trade or business activity or rental activity and indicate the date started or acquired.	_____	_____
20. Provide a list of activities conducted in other states.	_____	_____

PARTNERSHIP TAX ORGANIZER
FORM 1065
(EXPANDED VERSION)

ORGANIZATION NAME

ADDRESS

TAX YEAR ENDING

FEDERAL ID#

STATE ID#

This organizer is designed to assist you in gathering the information needed to prepare the Partnership's current year tax returns. Complete the organizer and answer all questions. Should you have questions regarding any items, please call.

PARTNERSHIP TAX ORGANIZER (1065)
(EXPANDED VERSION)

Provide a general ledger, trial balance, depreciation schedules, balance sheet, and profit and loss statement by activity. In addition, the following information will be needed:

	<u>YES</u>	<u>NO</u>	<u>N/A</u>
100) GENERAL INFORMATION			
101) If this is the first year we will prepare the tax return(s), provide the following from your file or your prior accountant:			_____
<ul style="list-style-type: none">• Partnership agreement• Tax returns for the prior three years• Depreciation schedules• Partner basis carryforward schedule• Partner buy/sell agreement• If the partnership elected a fiscal year end, provide a schedule of section 444 tax deposits and Form 8716.• Section 704(b) capital account reconciliation			
102) Has the partnership been notified of any changes to previous returns by any taxing authority? If "yes," attach any notifications.	_____	_____	
103) Have there been any amendments to the partnership agreement during this tax year? If "yes," attach a copy.	_____	_____	
104) Provide the following information for all partners:			
<ul style="list-style-type: none">• Name• Address• Social Security/Taxpayer Identification Number• General partner or limited partner• Type of entity• Domestic or foreign• Profit sharing percentage• Loss sharing percentage• Percentage ownership• Changes in partner's ownership interest after 10/22/86 (if not previously provided)• Capital account reconciliation			
105) Which general partner should be designated as the Tax Matters Partner, if applicable?			_____
106) Has there been a change in ownership since last year? If "yes," attach a schedule reflecting prior and current year ownership.	_____	_____	
107) Did any of the partners' taxable years change during the year? If "yes," attach a schedule detailing the change.	_____	_____	
108) List the names and telephone numbers of the partnership's advisors:			

PARTNERSHIP TAX ORGANIZER (1065)
(EXPANDED VERSION)

YES NO N/A

	Name	Telephone
Attorney		
Banker		
Insurance		
Broker		

109) Does the partnership have any of the following employee benefit plans? _____

.1) Qualified retirement plan(s)? _____
 If "yes," are we to prepare 5500 series form(s)? ____
 Number of plans ____
 Are we to compute the contribution? ____

.2) SEP plan? _____
 If "yes," are we to compute the contribution? ____

.3) Cafeteria plan? _____
 If "yes," are we to prepare 5500 series form? ____

.4) Non-qualified retirement plan(s)? _____
 Number of plans ____ (describe)

 If "yes," has the "one time only" filing with the Department of Labor been done? _____

.5) Other benefit plans not described above? _____
 If "yes," describe:

110) Describe the principal business activity of the partnership:

.1) Did the partnership acquire or dispose of a business or business segment during this tax year? If "yes," attach a copy of the contract or agreement. _____

.2) Did the partnership engage in any new activities during this tax year? If "yes," attach a description of the new business. _____

PARTNERSHIP TAX ORGANIZER (1065)
(EXPANDED VERSION)

	<u>YES</u>	<u>NO</u>	<u>N/A</u>
111) Does the partnership provide fringe/welfare benefits to employees or partners? If "yes," provide a list of benefits provided.			
112) Did the partnership include taxable fringe/welfare benefits such as health insurance, group life insurance, educational assistance, expense allowances and personal use of company vehicles as compensation in employee's W-2 forms and, if applicable, subject such amounts to payroll taxes?	_____	_____	
113) Provide a schedule, by partner, of fringe benefits paid on behalf of each partner such as medical, life insurance, disability and housing. Indicate which accounts have been charged.	_____	_____	
114) Provide copies of Forms 1099, 941, 940 and W-2 that have been filed.	_____	_____	
115) Did the partnership have loans with partners and/or other related parties during the tax year?	_____	_____	
If "yes," attach a schedule indicating the amount of the loan, date of transaction, interest rate and payments. Also, attach a copy of the note if not previously provided.			
116) Should the address shown on the return be different from last year? If so, what address should be shown on the return?	_____	_____	
<div style="border-bottom: 1px solid black; width: 200px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; width: 200px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; width: 200px;"></div>			
117) Is the partnership a partner in another partnership? If yes, attach a copy of other partnership return(s).	_____	_____	
118) Circle method of accounting for tax purposes:			
Cash Accrual Other (Describe) _____			
119) Did the partnership establish any new general ledger accounts during the tax year? If "yes," attach a list with a brief explanation of each account.	_____	_____	
120) Did the partnership post any entries to the partnership capital accounts during the year? If "yes," provide detail of the activity.	_____	_____	
121) Was there a distribution of property or a transfer (for example, by sale or death) of a partnership interest during this tax year?	_____	_____	
If marketable securities were distributed, provide the date of distribution and fair market value at distribution dates(s). _____			
122) Has the partnership ever elected to "step up" the basis of any assets in connection with the death of a partner or a change in ownership? (754 election)	_____	_____	

PARTNERSHIP TAX ORGANIZER (1065)
(EXPANDED VERSION)

	<u>YES</u>	<u>NO</u>	<u>N/A</u>
123) Did the partnership, at any time during the tax year, have an interest in a foreign bank account?	_____	_____	
124) Was the partnership the grantor of, or transferor to, a foreign trust during the tax year?	_____	_____	
125) Does the partnership do business in any other state(s)? If "yes," list state(s) _____			

.1) Provide copies of supporting schedules reflecting the three factor (property, payroll, sales) multistate apportionment formula used to determine income.			
.2) Provide a schedule showing any amounts for which there are known timing or treatment differences between federal and applicable state reporting.	_____	_____	
126) How many additional copies of the return do you need? _____	_____	_____	
127) Is this a final return?	_____	_____	
200) INCOME			
201) Does the partnership engage in more than one trade or business activity? If "yes," attach a list and note those started or acquired after 10/22/86.	_____	_____	
202) Does the partnership engage in any rental real estate activity? If "yes," attach a list and note those started or acquired after 10/22/86.	_____	_____	
203) Did the partnership receive interest income from the following sources? If "yes," indicate the amount.	_____	_____	
U.S. agencies _____			
U.S. government _____			
Tax exempt-out of state _____			
Tax exempt-in state _____			
Tax exempt-private activity _____			
204) Did the partnership sell any stocks, bonds or securities during the year? If "yes," complete the following:	_____	_____	

PARTNERSHIP TAX ORGANIZER (1065)
(EXPANDED VERSION)

YES NO N/A

Description of Securities Sold	Dates Acquired	Cost or Basis Plus Selling Expenses	(Trade Date) Date Sold	Total Sales Price

205) Did the partnership own any securities that became worthless during the year? If "yes," attach details.

206) Did the partnership acquire any "Qualified Small Business Stock?"

207) Did the partnership own any mutual funds? If "yes" attach year end statement.

208) During the tax year, did the partnership sell or dispose of any assets used in the business? If "yes," provide a schedule listing:

- Description of asset sold
- Date sold
- Sales price
- Selling expenses
- Date acquired
- Original cost or basis
- Depreciation claimed in prior years

209) Provide detail of all items greater than \$_____ in the miscellaneous income account.

Description	Amount

210) Did the partnership have any sales during the year that qualify for the installment method of reporting? If "yes," attach a copy of the agreement, the principal and interest received, and the beginning of year and end of year contract balances.

PARTNERSHIP TAX ORGANIZER (1065)
(EXPANDED VERSION)

YES NO N/A

211) Were there any sales or exchanges during the year between the partnership and a partner? If "yes," provide a detailed listing.

212) Did the partnership engage in any bartering activity during the year? If so, provide a schedule of all such activities.

300) DEDUCTIONS

301) Were there any payments to partners during the year for services or for the use of capital determined without regard to income? If "yes," provide the details below:

Partner	Description	Amount

302) Do the Uniform Capitalization Rules under section 263A related to items such as inventory and construction apply? If "yes," attach copies of all schedules reflecting the calculation of the amount of general and administrative expenses required to be capitalized in ending inventory or associated with self-constructed assets.

303) List all charitable contributions made or accrued during the tax year:

NOTE: You need to have written acknowledgment from any charity to which individual donations of \$250 or more were made during the year.

Organization	Amount

304) Did the partnership make political contributions during the tax year?

.1) If "yes," enter the amount. \$_____

.2) If "yes," enter to which accounts were the contributions posted.

305) Did you incur any expenses to influence legislation (lobbying)? If "yes," provide a schedule of "lobbying expenses" and indicate to which accounts these expenses were posted.

306) Does the partnership pay life insurance premiums (other than group term life) for any partner(s)? If "yes," provide the following for each policy:

PARTNERSHIP TAX ORGANIZER (1065)
(EXPANDED VERSION)

YES NO N/A

- Face amount
- Insured
- Policy owner
- Beneficiary
- Type of policy
- Premium paid
- Cash surrender value at year end
- Loan balance at year end
- Interest paid on policy loan

To which general ledger accounts have the payments been posted?

- 307) Did the partnership pay any penalties/fines during the tax year? If "yes," list amount(s) and indicate the reason for the penalty/fine.

Description	Amount

- 308) Did the partnership acquire any assets during the tax year? If "yes," provide a schedule of assets purchased including the date placed in service, and a copy of the purchase invoice. Include any trade-in information.

- 309) Did any partners contribute any assets to the partnership during the year? If "yes," provide a schedule of such assets received including date placed in service and partner's basis in such assets and fair market value of such asset.

- 310) Does the partnership wish to use accelerated depreciation methods?
Does the partnership wish to use accelerated 179 depreciation?

- 311) Does the partnership own or lease any vehicles? If "yes," provide the following information for each vehicle (NOTE: certain exceptions may apply for taxpayers with more than five vehicles):

- Vehicle description
- Date placed in service
- Business miles
- Commuting miles
- Other personal miles
- Total miles
- Average daily round trip commuting distance

PARTNERSHIP TAX ORGANIZER (1065)
(EXPANDED VERSION)

- | | <u>YES</u> | <u>NO</u> | <u>N/A</u> |
|--|------------|-----------|------------|
| .1) Does the partnership have evidence to support the claimed business use?
If "yes," is the evidence written? | _____ | _____ | _____ |
| .2) Were the vehicles available for personal use during off-duty hours? | _____ | _____ | _____ |
| .3) Were the vehicles used primarily by a more than 5% owner or related person? | _____ | _____ | _____ |
| .4) Is another vehicle available for personal use? | _____ | _____ | _____ |
| .5) Provide a copy of the lease for any leased vehicles. If not available, provide the following: | _____ | _____ | _____ |
| <ul style="list-style-type: none"> • Date of lease • Fair market value at inception • Term of lease • Lease payments | | | |

312) Regarding partnership policy for vehicles:

- | | | | |
|--|-------|-------|-------|
| .1) Does the partnership maintain a written policy statement that prohibits all personal use of vehicles, <u>including</u> commuting, by employees? | _____ | _____ | _____ |
| .2) Does the partnership maintain a written policy statement that prohibits personal use of vehicles, <u>excluding</u> commuting, by employees? | _____ | _____ | _____ |
| .3) Does the partnership treat all use of vehicles by employees as personal use? | _____ | _____ | _____ |
| .4) Does the partnership provide more than five vehicles to employees and retain the information received from employees concerning the use of vehicles? | _____ | _____ | _____ |
| .5) Does the partnership require or maintain copies of vehicle logs? | _____ | _____ | _____ |

313) Are computers, cellular phones or other property used for personal purposes? If "yes," complete the following:

Description	Date Placed in Service	Business Use %	Cost or Basis

- | | | | |
|---|-------|-------|-------|
| .1) Does the partnership have evidence to support the business use claimed? | _____ | _____ | _____ |
| .2) If "yes," is the evidence written? | _____ | _____ | _____ |

PARTNERSHIP TAX ORGANIZER (1065)
(EXPANDED VERSION)

YES NO N/A

314) Did the partnership have any meal or entertainment expenses? If "yes," which account(s) were these items posted to?

315) Did the partnership pay any social or entertainment club dues? If "yes," provide the amounts \$ _____ and to which account these items were posted.

316) Schedule below all items in the miscellaneous expense account greater than \$ _____.

Description	Amount

317) Will all compensation related accruals (including vacation pay) be paid within 2½ months of year end? If "no," provide details of unpaid amounts.

318) Provide copies of certification for members of target groups and associated wages paid after September 30, 19 96 qualifying for Work Opportunities Credit (SBJPA 1996).

319) Provide the following information for all items of interest expense:

Payee	Purpose of Loan	Recourse/ Non-Recourse	Year End Principal Balance	Interest Expense

320) Were there any accruals of interest, compensation or other expenses to partners at year end? If "yes," provide detail.

CORPORATION TAX ORGANIZER (1120)

Corporation Name _____	Tax Period _____
Address _____	Federal ID# _____
_____	State ID# _____

Provide a general ledger, trial balance, depreciation schedules, balance sheet and profit and loss statement. In addition, provide the following information:

	<u>DONE</u>	<u>N/A</u>
1. Attach copies of notices from tax authorities regarding changes to prior year returns.	_____	_____
2. Provide details of changes in stock ownership.	_____	_____
3. For each corporate officer provide SS#, compensation, percentage of ownership and time devoted to business.	_____	_____
4. Provide a schedule of loans to/from shareholders, officers and related parties including interest rates and payment schedules.	_____	_____
5. Provide detailed analysis of entries in prepaid, accrued, and income tax expense accounts, including dates and amounts of all federal, state and local income tax payments and refunds.	_____	_____
6. Provide copies of forms 1099, 941, 940, 5500 and W-2s that have been filed.	_____	_____
7. Provide a schedule of all interest and dividend income.	_____	_____
8. Provide a schedule of assets acquired and/or sold during the year including date acquired, date sold, sales or purchase price, including any trade-in allowance.	_____	_____
9. Provide a copy of the inventory uniform capitalization computation.	_____	_____
10. Provide a schedule of contributions.	_____	_____
11. Provide detail of any lobbying expenses.	_____	_____
12. List non-deductible expenses, such as penalties and life insurance premiums.	_____	_____
13. Provide a schedule of any club dues paid.	_____	_____
14. Provide vehicle and mileage data for company owned passenger vehicles.	_____	_____
15. Provide details of miscellaneous income/expense accounts.	_____	_____
16. Furnish total of meal and entertainment expenses.	_____	_____
17. Provide a list of activities conducted in other states.	_____	_____

S CORPORATION TAX ORGANIZER (1120S)

Corporation Name _____	Tax Period _____
Address _____	Federal ID# _____
_____	State ID# _____

Provide a general ledger, trial balance, depreciation schedules, balance sheet, and profit and loss statement by activity. In addition, provide the following information:

	<u>DONE</u>	<u>N/A</u>
1. Provide copies of notices from tax authorities regarding changes to prior year returns.	_____	_____
2. Provide details of changes in stock ownership.	_____	_____
3. For each shareholder provide ID#, compensation, percentage of ownership, time devoted to business, date ownership acquired and detail of distributions received.	_____	_____
4. Provide a schedule of all fringe benefits paid on behalf of more than 2% shareholders and indicate which benefits have been included in their W-2.	_____	_____
5. Provide a schedule of loans to/from shareholders, officers and related parties including interest rates and payment schedules.	_____	_____
6. Provide schedule of built-in gains.	_____	_____
7. Provide detailed analysis of entries in prepaid, accrued, and income tax expense accounts, including dates and amounts of all federal, state and local income tax payments and refunds.	_____	_____
8. Provide copies of forms 1099, 941, 940, 5500 and W-2s that have been filed.	_____	_____
9. Provide a schedule of all interest and dividend income.	_____	_____
10. Provide a schedule of assets acquired and/or sold during the year including date acquired, date sold, sales or purchase price, including any trade-in allowance.	_____	_____
11. Provide a copy of the inventory uniform capitalization computation.	_____	_____
12. Provide a schedule of contributions.	_____	_____
13. Provide detail of any lobbying expenses.	_____	_____
14. Provide a schedule of any club dues paid.	_____	_____
15. List non-deductible expenses such as penalties and life insurance premiums.	_____	_____
16. Provide vehicle and mileage data for company owned passenger vehicles.	_____	_____
17. Provide details of miscellaneous income/expense accounts.	_____	_____
18. Furnish total of meal and entertainment expenses.	_____	_____
19. List each type of trade or business activity or rental activity and indicate the date started or acquired.	_____	_____
20. Provide a list of activities conducted in other states.	_____	_____

CORPORATION TAX ORGANIZER (1120, 1120S)
(EXPANDED VERSION)

ORGANIZATION NAME _____

ADDRESS _____

TAX YEAR ENDING _____

FEDERAL ID# _____

STATE ID# _____

This organizer is designed to assist you in gathering the information needed to prepare the Corporation's current year tax returns. Please complete the organizer and answer all questions. Should you have questions regarding any items, please call.

CORPORATION TAX ORGANIZER (1120, 1120S)
(EXPANDED VERSION)

Provide a general ledger, trial balance, depreciation schedules, balance sheet, and profit and loss statement by activity. In addition, the following information will be needed:

	<u>YES</u>	<u>NO</u>	<u>N/A</u>
100) GENERAL INFORMATION			
101) If this is the first year we will prepare the tax return, provide the following from your file or your prior accountant:			
• Tax returns for the prior three years	_____		_____
• Depreciation schedules	_____		_____
• List of all investments	_____		_____
• All tax carryforward schedules such as NOL, tax credits, contributions, etc.	_____		_____
• Copy of buy/sell agreement	_____		_____
 <u>S CORPORATION ONLY</u>			
• Provide a copy of the S corporation approval.	_____		
• Provide a list of all shareholders and provide the following information:	_____		
• Name			
• Address			
• ID#			
• Type of entity			
• Number of shares			
• If the corporation (1) filed its election to be an S corporation after December 31, 1986; and (2) was a C corporation prior to making the election, provide a copy of the schedule of net built-in gains.	_____		_____
• Has the corporation elected a fiscal year end? If "yes," provide a schedule of section 444 tax deposits and a copy of Form 8716.	_____	_____	_____
• Does the corporation engage in more than one trade or business activity? If "yes," list and note those started or acquired after October 22, 1986.	_____	_____	_____
• Does the corporation engage in any rental activity? If "yes," list and note those started or acquired after October 22, 1986.	_____	_____	_____
102) Should the address shown on the return be different from last year? If so, what address should be shown on the return?	_____	_____	
103) Has the corporation been notified of any changes to previous returns by any taxing authority? If "yes," attach copies of all correspondence.	_____	_____	
104) If ownership changed during the year, has there been a change in ownership percentages? Provide a schedule of all changes, including dates and number of shares.			_____
105) Have there been any changes to the shareholders' buy/sell agreement? If "yes," provide a copy.	_____	_____	

CORPORATION TAX ORGANIZER (1120, 1120S)
(EXPANDED VERSION)

YES NO N/A

106) Has the corporation updated its minute book for the year? If "yes," provide copies. _____

107) Provide the names and telephone numbers of the corporation's advisors:

	Name and Address	Telephone
Attorney		
Banker		
Insurance		
Broker		

108) Describe the principal business activity of the corporation:

.1) Did the corporation purchase or sell a business or business segment during this year? If "yes," provide a copy of contract or agreement. _____

.2) Did the corporation engage in any new activities during the year? If "yes," describe new business on an attached sheet. _____

109) Does the corporation have any of the following employee benefit plans?

.1) Qualified retirement plan(s)?
If "yes," are we to prepare 5500 series form(s)?
Are we to compute the contribution? _____

.2) SEP plan?
If "yes," are we to compute the contribution? _____

.3) Cafeteria plan?
If "yes," are we to prepare 5500 series form? _____

.4) Non-qualified retirement plan(s)?
Number of plans _____ (describe) _____

If "yes," has the "one time only" filing with the Department of Labor been done? _____

.5) Other benefit plans not described above?
If "yes," describe: _____

110) Did the corporation include taxable fringe/welfare benefits such as health insurance, group term life insurance, educational assistance, expense allowances and personal use of corporate owned vehicles as compensation in employee W-2 forms and, if applicable, subject such amounts to payroll taxes? _____

CORPORATION TAX ORGANIZER (1120, 1120S)
(EXPANDED VERSION)

	<u>YES</u>	<u>NO</u>	<u>N/A</u>		
111) At year end, did the corporation own, directly or indirectly, 50% or more of the voting stock of a domestic corporation? If "yes":	_____	_____			
.1) Name: _____					
Address: _____					
ID#: _____					
Ownership percentage: _____					
.2) Income (loss) of such corporation \$ _____					
112) At year end did any corporation, individual, partnership, trust or estate own, directly or indirectly, 50% or more of the corporation's voting stock? If "yes":	_____	_____			
.1) Name: _____					
Address: _____					
ID#: _____					
Ownership percentage: _____					
.2) Was such owner a person other than a U.S. citizen?				_____	_____
113) Do the shareholders owning 80% or more of this corporation own 80% or more of any other corporation(s)? If "yes," provide a copy of the other corporate tax returns.	_____	_____			
114) Is this corporation a shareholder of any foreign corporation? If "yes," identify each corporation.	_____	_____			
115) Did the corporation at any time during the year have an interest in a foreign bank account? If "yes," provide details.	_____	_____			
116) Was the corporation the grantor or transferor to a foreign trust during the year? If "yes," provide details.	_____	_____			
117) During this taxable year, did the corporation pay dividends? If "yes," attach a schedule reflecting date declared, date paid, amount and form of payment (cash, other).	_____	_____			
118) Did one foreign person, at any time during the tax year, own directly or indirectly, 25% or more of the total voting power or value of all classes of stock of the corporation? If "yes":	_____	_____			
.1) Enter the percentage owned _____.					
.2) Enter the owner's country _____.					

CORPORATION TAX ORGANIZER (1120, 1120S)
(EXPANDED VERSION)

YES NO N/A

119) List income tax deposits below in order of date paid:

	Prior Year Overpayment Applied	1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.	Extension
FEDERAL						
Date Paid						
Amount	\$					
STATE						
Date Paid						
Amount	\$					

120) Provide a detailed schedule of the activity, for the tax year, in the corporation's general ledger income tax accounts (asset, liability and expense). _____

121) Circle method of accounting for tax purposes:

Cash Accrual Other (Describe)_____

122) Did the corporation establish any new general ledger accounts during the year? If "yes," provide a list with a brief explanation of each new account. _____

123) Did the corporation post any entries to the retained earnings account during the year? If "yes," provide details of the activity. _____

124) Provide copies of forms 1099, 941, 940, and W-2s that have been filed. _____

125) Did the corporation have loans with shareholder(s) and other related parties during the tax year? If "yes," provide a schedule indicating the amount of the loan, date of transaction, interest rate and payments. Also, provide a copy of the note if not previously provided. _____

126) Does the corporation do business in any other state? If "yes," list state returns required: _____

.1) Provide copies of supporting schedules reflecting the three factor (property, payroll, sales) multistate apportionment formula. _____

.2) Provide a schedule showing any amounts for which there are known timing or treatment differences between federal and state reporting. _____

127) How many additional copies of the return do you need? _____

128) Is this a final return? _____

CORPORATION TAX ORGANIZER (1120, 1120S)
(EXPANDED VERSION)

YES NO N/A

200) INCOME

- 201) Did the corporation receive interest income from the following sources?
 If "yes," list total amount.

U.S. Agencies _____
 Tax exempt-in state _____
 U.S. Government _____
 Tax exempt-out of state _____
 Tax exempt-private activity _____

- 202) Did the corporation sell any stocks, bonds, or securities during the year? If "yes,"
 complete the following:

Description of Securities Sold	Date Acquired	Cost or Basis Plus Selling Expenses	(Trade Date) Date Sold	Total Sales Price

- 203) Did the corporation own securities that became worthless during the year? If "yes,"
 attach details.

- 204) Did the corporation sell any assets used in its business? If "yes," provide a schedule
 listing:

- Description of asset sold
- Date sold
- Sales price
- Selling expenses
- Date acquired
- Original cost or basis
- Depreciation claimed in prior years

- 205) Provide detail of all items greater than \$ _____ in the miscellaneous income account.

Description	Amount

CORPORATION TAX ORGANIZER (1120, 1120S)
(EXPANDED VERSION)

YES NO N/A

206) Did the corporation receive dividend income this year?

Stock/Mutual Fund Name	Date Purchased	Amount of Dividend	Percent Owned if Over 20%

.2) If dividends are from mutual funds, provide the year-end statements.

207) Did the corporation make any sales qualifying for the installment method of reporting? _____

If "yes," attach a copy of the agreement, the principal and interest received, and the beginning of the year and end of the year contract balances.

208) Were there any sales or exchanges during the year between the corporation and a shareholder? If "yes," attach a detailed schedule. _____

209) Did the corporation engage in any bartering activity during the year? If so, attach a schedule of all such activities. _____

300) DEDUCTIONS

301) Information regarding corporate officers:

Name	Social Security Number	% Time Devoted to Business	% Stock Owned		Compensation
			Common	Preferred	

302) Fiscal year Personal Service Corporation's (PSC):

.1) Is the corporation a PSC on a fiscal year? If "yes," provide the following information: _____

CORPORATION TAX ORGANIZER (1120, 1120S)
(EXPANDED VERSION)

YES NO N/A

Name of Officer/Shareholder	Compensation from Beg. of Fiscal Year to End of Calendar Year	Compensation from Beg. of Subsequent Calendar Year to End of Fiscal Year	Total Compensation

.2) If the PSC has elected a fiscal year end, provide a copy of an approved election (Form 8716) if not previously provided. _____

303) Do the Uniform Capitalization Rules under section 263A related to items such as inventory and construction apply? If "yes," provide copies of all schedules supporting the calculation of the amount of general and administrative expenses required to be capitalized in ending inventory or associated with self constructed assets. _____

304) List charitable contributions made or accrued during the year:

NOTE: You need to have written acknowledgment from any charity to which individual donations of \$250 or more were made during the year.

Organization	Amount

.1) Did the corporation have an accrued charitable contribution at year end? If "yes," attach a copy of minutes authorizing contribution. _____

.2) Did the corporation make a charitable contribution of inventory or property? If "yes," attach detail. _____

.3) Did the corporation make political contributions during this tax year? If "yes," enter amount \$ _____. (Please note "Corporate political contributions" are illegal.) _____

305) Did you incur any expenses to influence legislation and "lobbying?" If "yes," provide a schedule of "lobbying expenses" and indicate which accounts these expenses were posted to. _____

CORPORATION TAX ORGANIZER (1120, 1120S)
(EXPANDED VERSION)

YES NO N/A

306) Does the corporation pay life insurance premiums (other than group term life) for officers of the corporation? If "yes," provide the following for each policy:

- Face amount
- Premium paid
- Insured
- Cash surrender value at year end
- Policy owner
- Loan balance at year end
- Beneficiary
- Interest paid on policy loan
- Type of policy

To which general ledger accounts have the payments been posted?

307) Did the corporation pay penalties/fines during the tax year? If "yes," list amount(s) and indicate the reason for the penalty/fine.

Description	Amount

308) Did the corporation acquire any assets during the tax year? If "yes," attach a list of assets purchased including the date placed in service and a copy of the purchase invoice. Include any trade-in information.

309) Does the corporation wish to use accelerated depreciation methods?
Does the corporation wish to use section 179 depreciation?

310) Does the corporation own or lease any vehicles? If "yes," provide the following information for each vehicle (note certain exceptions may apply for companies with more than five vehicles):

- Vehicle description
- Other personal miles
- Date placed in service
- Total miles
- Business miles
- Average daily round trip commuting distance
- Commuting miles

.1) Does the corporation have evidence to support the claimed business use?
If "yes," is the evidence written?

.2) Were the vehicles available for personal use during off-duty hours?

.3) Were the vehicles used primarily by a more than 5% owner or related person?

CORPORATION TAX ORGANIZER (1120, 1120S)
(EXPANDED VERSION)

- | | <u>YES</u> | <u>NO</u> | <u>N/A</u> |
|--|------------|-----------|------------|
| .4) Is another vehicle available for personal use? | _____ | _____ | _____ |
| .5) Provide a copy of the lease for any leased vehicles. If not available, provide the following: | _____ | | _____ |
| • Date of lease | | | |
| • Fair market value at inception | | | |
| • Term of the lease | | | |
| • Lease payments | | | |
| 311) Regarding corporate policy for vehicles: | | | |
| .1) Does the corporation maintain a written policy statement that prohibits all personal use of vehicles, <u>including</u> commuting, by employees? | _____ | _____ | _____ |
| .2) Does the corporation maintain a written policy statement that prohibits personal use of vehicles, <u>excluding</u> commuting, by employees? | _____ | _____ | _____ |
| .3) Does the corporation treat all use of vehicles by employees as personal use? | _____ | _____ | _____ |
| .4) Does the corporation provide more than five vehicles to employees and retain the information received from employees concerning the use of the vehicles? | _____ | _____ | _____ |
| .5) Does the corporation require or maintain copies of vehicle logs? | _____ | _____ | _____ |
| 312) Are computers or cellular phones or other listed property used by employees for personal purposes? If "yes," complete the following: | _____ | _____ | |

Description	Date Placed in Service	Business Use %	Cost or Basis

- | | | | |
|--|-------|-------|-------|
| .1) Does the corporation have evidence to support the business use claimed? | _____ | _____ | _____ |
| .2) If "yes," is evidence written? | _____ | _____ | _____ |
| 313) Did the corporation have any meal and/or entertainment expenses? If "yes," to which account(s) were these items posted? _____ | _____ | _____ | |
| 314) Did the corporation pay any club dues? If "yes," to which account were these items posted? | _____ | _____ | |
| 315) List all items in the miscellaneous expense account greater than \$_____. | | | _____ |

CORPORATION TAX ORGANIZER (1120, 1120S)
(EXPANDED VERSION)

YES NO N/A

Description	Amount

316) Will all compensation related accruals (including vacation pay) be paid within 2½ months of year end? If "no," provide details of unpaid amounts.

317) Are there any accruals to shareholder(s) at year end? If "yes," provide detail.

318) Provide copies of certification for members of target groups and associated wages paid qualifying for Work Opportunities Credit (SBJPA 1996).

400) S CORPORATIONS ONLY

401) Have fringe benefits paid on behalf of more than 2% shareholders (including but not limited to medical, life insurance, disability, housing, etc.) been included in shareholder's compensation, and included in payroll taxes? Indicate to which accounts these amounts have been posted.

QUALIFIED RETIREMENT PLAN ORGANIZER
FORM 5500

This organizer is designed to assist you in gathering the information needed to prepare the Form 5500. Complete the organizer and answer all questions. Should you have questions regarding any items, please call.

QUALIFIED RETIREMENT PLAN ORGANIZER (5500)

PLAN NAME _____ PLAN YEAR _____

CONTACT PERSON _____ PHONE # _____ FAX # _____

SPONSOR NAME _____ PLAN # _____

SPONSOR ADDRESS _____ FEDERAL ID# _____

TYPE OF ENTITY _____

PLAN ADMINISTRATOR _____ SPONSOR ID# _____

ADMINISTRATOR ADDRESS _____ ADMINISTRATOR ID# _____

TRUSTEE _____ TRUSTEE ID# _____

TRUSTEE ADDRESS _____

PLAN ATTORNEY _____

INVESTMENT ADVISOR _____

NOTE: Certain narrowly defined terms, such as "key employee" and "highly compensated employee," are explained at the end of this organizer.

	<u>Previously Provided</u>	<u>Attached</u>	<u>N/A</u>
101) If this is the first year in which we are to prepare your 5500 series form, furnish the following items:			
.1) Plan document and adoption agreement and amendments.	_____	_____	_____
.2) Prior three years' summary annual reports.	_____	_____	_____
.3) Most current summary plan descriptions.	_____	_____	_____
.4) Prior three years' independent qualified accountant reports (if applicable).	_____	_____	_____
.5) Prior three years' plan financial statements.	_____	_____	_____
.6) Prior three years' 5500 series form.	_____	_____	_____
.7) Prior three years' employee census, including balances and vesting information.	_____	_____	_____
.8) Most recent IRS determination letter.	_____	_____	_____
.9) If the plan allows for loans, provide copies of loan documents and amortization schedules.	_____	_____	_____
102) Furnish the following items for the current year:			
.1) Employee census (specimen attached or update attached census from prior year).	_____	_____	_____
.2) Plan financial statements.	_____	_____	_____
.3) If there are no financial statements for the plan, provide the following:			
.a) Recap of receipts and disbursements for all bank accounts.	_____	_____	_____
.b) Reconciled bank statements as of the plan's year-end.	_____	_____	_____
.c) Recaps or copies of all monthly brokerage or investment accounts for the plan year.	_____	_____	_____
.d) Schedule of fair market value of all investments as of the close of the plan year.	_____	_____	_____
.4) Detail of employer contributions for the plan year. Indicate dates accrued and paid or scheduled to be paid.	_____	_____	_____

QUALIFIED RETIREMENT PLAN ORGANIZER (5500)

	<u>Previously Provided</u>	<u>Attached</u>	<u>N/A</u>
.5) Form 5500, Schedule A, where a portion or all of the plan is invested in insurance contracts.	_____	_____	_____
.6) Page 1 of the income tax return (Form 1040, Schedule C if sole proprietorship).	_____	_____	_____
.7) Copies of new loan documents.	_____	_____	_____
.8) Copies of Forms 1099-R issued.	_____	_____	_____
.9) Copies of Forms 945.	_____	_____	_____
	<u>YES</u>	<u>NO</u>	<u>N/A</u>
103) Was the plan terminated during the plan year? If "yes," provide a copy of resolution (executed).	_____	_____	_____
104) Were there any amendments during the plan year? If "yes," provide copies of the amendment(s).	_____	_____	_____
105) Has the plan been audited by either the Internal Revenue Service or the Department of Labor? If "yes," attach copies of all correspondence.	_____	_____	_____
106) Have there been any disputed claims or litigation filed or threatened with respect to the plan? If "yes," attach copies of all correspondence.	_____	_____	_____
107) Was the plan insured by a fidelity bond for loss through fraud or dishonesty? If "yes," complete the following:	_____	_____	_____
Name of surety company _____			
Amount of bond _____			
108) Was any participant separated from service with a deferred vested benefit during the plan year?	_____	_____	_____
109) Are there any individuals in the company who have worked more than 1,000 hours who are not considered to be a common law employee (e.g., independent contractor)? If "yes," include these individuals on the employee census form and identify them as "leased or not leased."	_____	_____	_____
110) List officers and owner(s) of company and percentage of ownership:			

NAME	TITLE	OWNERSHIP PERCENTAGE

QUALIFIED RETIREMENT PLAN ORGANIZER (5500)

- 111) Does any key employee, or any member of the key employee's family, own an interest in any other privately owned business? If yes, complete the following.

EMPLOYEE NAME	RELATIONSHIP TO OWNER	NAME AND TYPE OF ENTITY	OWNERSHIP PERCENTAGE

- | | <u>YES</u> | <u>NO</u> | <u>N/A</u> |
|--|------------|-----------|------------|
| 112) Do any relatives of any key employee work for the company? If "yes," identify them on the employee census. | _____ | _____ | _____ |
| 113) Did all new participants receive a summary plan description? | _____ | _____ | _____ |
| 114) Did all terminated participants receive required Forms 1099-R, Statement for Recipients of Total Distributions from Profit-sharing, Retirement Plans, etc. | _____ | _____ | _____ |
| 115) Have participants received required annual information about their account balance(s), vested percentage(s) and matching contributions? | _____ | _____ | _____ |
| 116) Was the prior year summary annual report for the plan year distributed to participants? | _____ | _____ | _____ |
| 117) Has there been any reversion of plan assets to the employer during the plan year? | _____ | _____ | _____ |
| 118) Did any service provider receive more than \$5,000 in compensation from the plan during the plan year? If "yes," attach a schedule. | _____ | _____ | _____ |
| 119) Has there been a termination of the appointment of any of the following?

<div style="display: flex; justify-content: space-between; margin-left: 40px;"> __ accountant __ enrolled actuary __ insurance carrier </div> <div style="display: flex; justify-content: space-between; margin-left: 40px;"> __ administrator __ investment manager __ trustee or custodian </div> | _____ | _____ | _____ |
| If "yes," attach explanation(s). | | | |
| 120) Did any of the following transactions occur between the plan and any parties-in-interest (e.g., employer, participant, etc.)? If "yes," attach explanation. | _____ | _____ | _____ |
| .1) The sale, exchange or leasing of any property. | _____ | _____ | _____ |

QUALIFIED RETIREMENT PLAN ORGANIZER (5500)

- | | | | |
|--|-------|-------|-------|
| .2) The lending of money or other extension or credit (with certain exemptions for plan loans to participants or beneficiaries). | _____ | _____ | _____ |
| .3) The furnishing of goods, services, or facilities. | _____ | _____ | _____ |
| .4) The transfer to, or use of any plan assets, by or for the benefit of a party-in-interest. | _____ | _____ | _____ |
| .5) The plan's acquisition or retention of any employer security or employer property. | _____ | _____ | _____ |

121) Is the plan audited by an independent qualified public accountant? If yes, provide the accountant's opinion and report and complete the following questions concerning transactions during the plan year.

- | | | | |
|--|-------|-------|-------|
| .1) Did the plan have assets held for investment? | _____ | _____ | _____ |
| .2) Were any loans or fixed obligations due the plan in default as of the close of the plan year or considered uncollectible? | _____ | _____ | _____ |
| .3) Were any plan transactions or series of transactions in excess of 5% of the current value of plan assets? | _____ | _____ | _____ |
| .4) Did the plan engage in any non-exempt transactions with parties-in-interest not reported in the notes to the financial statement? | _____ | _____ | _____ |
| .5) Did the plan hold qualifying employer securities that are not publicly traded? | _____ | _____ | _____ |
| .6) Did the plan purchase or receive any nonpublicly traded securities that were not appraised in writing by an unrelated third party within three months prior to their receipt? | _____ | _____ | _____ |
| .7) Did any person manage plan assets who had a financial interest worth more than 10% in any party providing services to the plan or receive anything of value from any party providing services to the plan? | _____ | _____ | _____ |

EMPLOYEE CENSUS

* See type codes on attached page

** Compensation is generally defined by the plan.

QUALIFIED RETIREMENT PLAN ORGANIZER (5500)

**EMPLOYEE CENSUS
INSTRUCTIONS**

Compensation

For defined contribution plans, contributions and allocations are based upon a definition of compensation which generally will be contained in the plan document. Complete the employee census after indicating below how compensation is defined in your plan.

- | | | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Compensation reported as taxable income for W-2 purposes |
| <input type="checkbox"/> | <input type="checkbox"/> | Wages paid during the plan year |
| <input type="checkbox"/> | <input type="checkbox"/> | Compensation before 401(k) deferrals and after section 125 deferrals |
| <input type="checkbox"/> | <input type="checkbox"/> | Wages accrued during the plan year |
| <input type="checkbox"/> | <input type="checkbox"/> | Includes bonus <input type="checkbox"/> Excludes bonus |
| <input type="checkbox"/> | <input type="checkbox"/> | Includes tips <input type="checkbox"/> Excludes tips |
| <input type="checkbox"/> | <input type="checkbox"/> | Includes commissions <input type="checkbox"/> Excludes commissions |
| <input type="checkbox"/> | <input type="checkbox"/> | Other _____ |

Hours of Service

Hours of service may be the basis for determining eligibility to participate in the plan, eligibility to receive an employer contribution and eligibility for vesting. If actual hours are available for the plan year, please provide the actual hours of service. However, if actual hours are not maintained by the employer, you may use the following coding to identify hours of service:

- | | | | | | |
|---|---------------------|---|----------------------------|---|----------------------|
| L | Less than 500 hours | S | Between 499 and 1000 hours | F | 1,000 hours or more. |
|---|---------------------|---|----------------------------|---|----------------------|

Type Codes

Type codes are used in calculating distributions and in preparing various government reports, and may also affect eligibility for certain benefits.

- | <u>Type 1: Employee Status</u> | | <u>Type 2: Key or Highly Compensated Employee</u> | <u>Type 3: Marital Status</u> |
|--------------------------------|--|---|-------------------------------|
| 1 = Active | 7 = Deceased | a = Key employee | Y = Married |
| 2 = Terminated | 8 = Excluded | b = Highly compensated | N = Unmarried |
| 3 = Retired | 9 = Independent Contractor/
Leased | c = Key & highly compensated | |
| 4 = Disabled | 10 = Independent Contractor/
Not Leased | d = Family member of key
employee | |
| 5 = Ineligible | | | |
| 6 = Leave of
Absence | | | |

QUALIFIED RETIREMENT PLAN ORGANIZER (5500)

DEFINITIONS

KEY EMPLOYEE

A key employee means any employee who at any time during the current or preceding four years meets any one of the tests described below:

- (1) **Officer Test**. An officer of the employer whose annual compensation is equal to or greater than 50% of the defined benefit dollar limitation (50% = \$59,400 for plan years beginning in 1996). The number of officers to be taken into account is limited to 50. If there are less than 50 officers for purposes of this test, the lesser of 10% of total employees or three officers is used for the test. If there are more officers than the limited number, the officers with the highest one-year compensation during the five-year period are used.
- (2) **Compensation Test**. One of the ten employees having annual compensation in excess of \$30,000 and owning the largest interest in the employer. Only consider interest owned by employees to determine the ten largest interests. If two or more employees own the same percentage interest, the employee with the greatest compensation is used for the test.
- (3) **5% Owner Test**. An employee who owns more than 5% of the employer. An individual is considered as owning stock owned directly or indirectly by a spouse, children, grandchildren and parents.
- (4) **1% Owner Test**. An employee who owns more than 1% of the employer and whose annual compensation exceeds \$150,000.

HIGHLY COMPENSATED EMPLOYEE

A highly compensated employee is an employee who (even if now terminated):

- (1) Was a more than 5% owner of the employer during the current or preceding year, or
- (2) Received compensation in excess of \$80,000 in the preceding year. The \$80,000 amount will be adjusted periodically the Secretary of the Treasury. The employer may elect under Internal Revenue Code ("Code") section 414(q)(1)(B)(ii) to limit the class of employees receiving compensation in excess of \$80,000 who are considered key employees to those who were in the "top-paid group" of employees for such preceding year. Under Code section 414(q)(3), "top-paid group" means generally the top 20 percent of employees when ranked on the basis of compensation

SAMPLE ENGAGEMENT LETTERS

This package contains samples of engagement letters to be used in connection with engagements to prepare income tax returns for:

- Individuals (Form 1040)
- Partnerships/LLPs/LLCs (Form 1065)
- Corporations (Form 1120)
- S Corporations (Form 1120S)
- Estates and Trusts (Form 1041)
- Qualified Retirement Plans (Form 5500)
- Estate Tax (Form 706)
- Tax Examination Engagement Letter

In addition, there are several optional paragraphs that may be used in lieu of or to supplement the various sample engagement letters contained herein. These optional paragraphs include 1) substantial understatement penalty disclosures for each type of engagement letter, 2) a paragraph limiting the scope of the engagement, 3) a paragraph discussing client records, 4) a paragraph disclosing the use of an outside processing service, 5) a paragraph regarding outside disclosure for peer review programs, 6) a paragraph disclosing finance charges, 7) a paragraph discussing the negligence penalty, and 8) a paragraph offering the option of electronically filing the tax return. A sample letter for use in connection with a tax examination engagement is also provided.

These engagement letter samples are issued as drafts only and do not represent an official AICPA position. Practitioners using them retain responsibility for their final content. They should be reviewed carefully and changed as necessary for your particular use. In adapting these drafts to your particular needs you should be sure to consider the following:

- 1) AICPA Statements on Responsibilities in Tax Practice,
- 2) state requirements regarding disclosure of finance charges,
- 3) state Board of Accounting requirements pertaining to disclosure of the use of an outside service bureau,
- 4) the desirability of obtaining the signed affirmation of the client (or clients in the case of joint and consolidated returns),
- 5) the need for a new engagement letter each year, and
- 6) a paragraph disclosing late payment charges.

1040 - INDIVIDUAL TAX RETURN ENGAGEMENT LETTER

Dear Client:

This letter is to confirm and specify the terms of our/my engagement with you and to clarify the nature and extent of the services we/I will provide. In order to ensure an understanding of our mutual responsibilities, we/I ask all clients for whom returns are prepared to confirm the following arrangements.

We/I will prepare your 199__ federal and requested state income tax returns from information that you will furnish us/me. We/I will not audit or otherwise verify the data you submit, although it may be necessary to ask you for clarification of some of the information. We/I will furnish you with questionnaires and/or worksheets to guide you in gathering the necessary information. Your use of such forms will assist in keeping pertinent information from being overlooked.

It is your responsibility to provide all the information required for the preparation of complete and accurate returns. You should retain all the documents, canceled checks and other data that form the basis of income and deductions. These may be necessary to prove the accuracy and completeness of the returns to a taxing authority. You have the final responsibility for the income tax returns and, therefore, you should review them carefully before you sign them.

Our/My work in connection with the preparation of your income tax returns does not include any procedures designed to discover defalcations or other irregularities, should any exist. We/I will render such accounting and bookkeeping assistance as determined to be necessary for preparation of the income tax returns.

We/I will use professional judgment in resolving questions where the tax law is unclear, or where there may be conflicts between the taxing authorities' interpretations of the law and other supportable positions. Unless otherwise instructed by you, we/I will resolve such questions in your favor whenever possible.

The law provides various penalties that may be imposed when taxpayers understate their tax liability. If you would like information on the amount or the circumstances of these penalties, please contact us/me.

Your returns may be selected for review by the taxing authorities. Any proposed adjustments by the examining agent are subject to certain rights of appeal. In the event of such government tax examination, we/I will be available upon request to represent you and will render additional invoices for the time and expenses incurred.

Our/My fee for these services will be based upon the amount of time required at standard billing rates plus out-of-pocket expenses. All invoices are due and payable upon presentation.

If the foregoing fairly sets forth your understanding, please sign the enclosed copy of this letter in the space indicated and return it to our/my office. However, if there are other tax returns you expect us/me to prepare, such as gift and/or property, please inform us/me by noting so at the end of the returned copy of this letter.

We/I want to express our appreciation for this opportunity to work with you.

Very truly yours,

Accepted By: _____

Date: _____

1065 - PARTNERSHIP/LLP/LLC TAX RETURN ENGAGEMENT LETTER

Dear Client:

This letter is to confirm and specify the terms of our/my engagement with (Name of Partnership or Limited Liability Company) for the year ended (___) and to clarify the nature and extent of the services we/I will provide. Also, by sending you this engagement letter we/I have assumed that you are the person responsible for the tax matters of the partnership. If this is not a correct assumption, please furnish us/me with the name of the tax matters partner.

Our/My engagement will be designed to perform the following services:

1. Prepare the federal, state, and local income tax returns with supporting schedules.
2. Perform any bookkeeping necessary for preparation of the income tax returns.

Our/My work in connection with the preparation of your income tax returns does not include any procedures designed to discover defalcations or other irregularities, should any exist.

We/I will use our/my judgment in resolving questions where the tax law is unclear, or where there may be conflicts between the taxing authorities' interpretations of the law and other supportable positions. Unless otherwise instructed by you, we/I will resolve such questions in your favor, whenever possible.

The law provides various penalties that may be imposed when taxpayers understate their tax liability. If you would like information on the amount or circumstances of these penalties, please contact us/me. Because this is an entity whose tax attributes flow through to its partners or members, the penalty for substantial understatement of tax relating to this entity may be imposed on the partners or members.

Management is responsible for the proper recording of transactions in the books of accounts, for the safeguarding of assets, and for the substantial accuracy of the financial records. You have the final responsibility for the income tax returns and, therefore, you should review them carefully before you sign and file them.

Your returns may be selected for review by the taxing authorities. Any proposed adjustments by the examining agent are subject to certain rights of appeal. In the event of such government tax examination, we/I will be available upon request to represent you and will render additional invoices for the time and expenses incurred.

Our/My fee for these services will be based upon the amount of time required at standard billing rates plus out-of-pocket expenses. All invoices are due and payable upon presentation.

If the foregoing fairly sets forth your understanding, please sign the enclosed copy of this letter in the space indicated and return it to our/my office. However, if there are any additional returns you expect us/me to prepare, please note this at the end of the returned copy of this letter, just below your signature.

We/I want to express our/my appreciation for this opportunity to work with you.

Very truly yours,

Accepted By: _____

Title: _____

Date: _____

1120 - CORPORATION TAX RETURN ENGAGEMENT LETTER

Dear Client:

This letter is to confirm and specify the terms of our/my engagement with (Name of Corporation) for the year ended (___) and to clarify the nature and extent of the services we/I will provide. Also, by sending you this engagement letter we/I have assumed that you are the person responsible for the tax matters of the corporation. If this is not a correct assumption, please furnish us/me with the name of the individual with whom this work should be coordinated.

Our/My engagement will be designed to perform the following services:

1. Prepare the federal, state, and local income tax returns with supporting schedules.
2. Perform any bookkeeping necessary for preparation of the income tax returns.

Our/My work in connection with the preparation of your income tax returns does not include any procedures designed to discover defalcations or other irregularities, should any exist.

We/I will use our/my judgment in resolving questions where the tax law is unclear, or where there may be conflicts between the taxing authorities' interpretations of the law and other supportable positions. Unless otherwise instructed by you, we/I will resolve such questions in your favor whenever possible.

The law provides various penalties that may be imposed when taxpayers understate their tax liability. If you would like information on the amount or circumstances of these penalties, please contact us/me.

Management is responsible for the proper recording of transactions in the books of accounts, for the safeguarding of assets, and for the substantial accuracy of the financial records. You have the final responsibility for the income tax returns and, therefore, you should review them carefully before you sign and file them.

Your returns may be selected for review by the taxing authorities. Any proposed adjustments by the examining agent are subject to certain rights of appeal. In the event of such government tax examination, we/I will be available upon request to represent you and will render additional invoices for the time and expenses incurred.

Our/My fee for these services will be based upon the amount of time required at standard billing rates plus out-of-pocket expenses. All invoices are due and payable upon presentation.

If the foregoing fairly sets forth your understanding, please sign the enclosed copy of this letter in the space indicated and return it to our/my office. However, if there are any additional returns you expect us/me to prepare, please note this at the end of the returned copy of this letter, just below your signature.

We/I want to express our appreciation for this opportunity to work with you.

Very truly yours,

Accepted By: _____

Title: _____

Date: _____

1120S - S CORPORATION TAX RETURN ENGAGEMENT LETTER

Dear Client:

This letter is to confirm and specify the terms of our/my engagement with (Name of S Corporation) for the year ended (___) and to clarify the nature and extent of the services we/I will provide. Also, by sending you the engagement letter, we/I have assumed that you are the person responsible for the tax matters of the corporation. If this is not a correct assumption, please furnish us/me with the name of the tax matters person.

Our/My engagement will be designed to perform the following services:

1. Prepare the federal, state, and local income tax returns with supporting schedules.
2. Perform any bookkeeping necessary for preparation of the income tax returns.

Our/My work in connection with the preparation of your income tax returns does not include any procedures designed to discover defalcations or other irregularities, should any exist.

We/I will use our/my judgment in resolving questions where the tax law is unclear, or where there may be conflicts between the taxing authorities' interpretations of the law and other supportable positions. Unless otherwise instructed by you, we/I will resolve such questions in your favor whenever possible.

The law provides various penalties that may be imposed when taxpayers understate their tax liability. If you would like information on the amount or circumstances of these penalties, please contact us/me. Because an S corporation is an entity whose tax attributes generally flow through to its shareholders, the penalty for substantial understatement of tax relating to S corporation items may be imposed at either the corporate or shareholder level.

Management is responsible for the proper recording of transactions in the books of accounts, for the safeguarding of assets, and for the substantial accuracy of the financial records. You have the final responsibility for the income tax returns and, therefore, you should review them carefully before you sign and file them.

Your returns may be selected for review by the taxing authorities. Any proposed adjustments by the examining agent are subject to certain rights of appeal. In the event of such government tax examination, we/I will be available upon request to represent you and will render additional invoices for the time and expenses incurred.

Our/My fee for these services will be based upon the amount of time required at standard billing rates plus out-of-pocket expenses. All invoices are due and payable upon presentation.

If the foregoing fairly sets forth your understanding, please sign the enclosed copy of this letter in the space indicated and return it to our office. However, if there are additional returns you expect us/me to prepare, please note this at the end of the returned copy of this letter, just below your signature.

We/I want to express our/my appreciation for this opportunity to work with you.

Very truly yours,

Accepted By: _____

Title: _____

Date: _____

1041 - FIDUCIARY (ESTATES AND TRUSTS) TAX RETURN
ENGAGEMENT LETTER

Dear Client:

This letter is to confirm and specify the terms of our/my engagement with (Name of Estate or Trust) for the year ended (____) and to clarify the nature and extent of the services we/I will provide. In order to ensure an understanding of our mutual responsibilities, we/I ask all clients for whom returns are prepared to confirm the following arrangements.

We/I will prepare the 199__ federal and requested state fiduciary income tax returns from information which you will furnish to us/me. We/I will not audit or otherwise verify the data you submit, although it may be necessary to ask you for clarification of some of the information. We/I will furnish you with questionnaires and/or worksheets to guide you in gathering the necessary information. Your use of such forms will assist in keeping pertinent information from being overlooked.

It is your responsibility to provide all the information required for the preparation of complete and accurate returns. You should retain all the documents, canceled checks and other data that form the basis of income and deductions. These may be necessary to prove the accuracy and completeness of the returns to a taxing authority. You have the final responsibility for the fiduciary income tax returns and, therefore, you should review them carefully before you sign them.

Our/My work in connection with the preparation of the fiduciary income tax returns does not include any procedures designed to discover defalcations or other irregularities, should any exist. We/I will render such accounting and bookkeeping assistance as determined to be necessary for preparation of the income tax returns.

We/I will use professional judgment in resolving questions where the tax law is unclear, or where there may be conflicts between the taxing authorities' interpretations of the law and other supportable positions. Unless otherwise instructed by you, we/I will resolve such questions in your favor whenever possible.

The law provides various penalties that may be imposed when taxpayers understate their tax liability. If you would like information on the amount or the circumstances of these penalties, please contact us/me.

The returns may be selected for review by the taxing authorities. Any proposed adjustments by the examining agent are subject to certain rights of appeal. In the event of such government tax examination, we/I will be available upon request to represent you and will render additional invoices for the time and expenses incurred.

Our/My fee for these services will be based upon the amount of time required at standard billing rates plus out-of-pocket expenses. All invoices are due and payable upon presentation.

If the foregoing fairly sets forth your understanding, please sign the enclosed copy of this letter in the space indicated and return it to our/my office. However, if there are other tax returns you expect us/me to prepare, such as gift and/or property, please inform us/me by noting so at the end of the return copy of this letter.

We/I want to express our appreciation for this opportunity to work with you.

Very truly yours,

Accepted By: _____

Date: _____

5500 - QUALIFIED RETIREMENT PLAN RETURN
ENGAGEMENT LETTER

Dear Client:

This letter is to confirm and specify the terms of our/my engagement with (name of plan) for the plan year ended (____) and to clarify the nature and extent of the services we/I will provide. In order to ensure an understanding of our mutual responsibilities, we/I ask all clients for whom returns are prepared to confirm the following arrangements.

We/I will prepare your 199__ Form 5500 (or other 5500 series form) from information which you will furnish to us/me. We/I will not audit or otherwise verify the data you submit, although it may be necessary to ask you for clarification of some of the information. We/I will furnish you with questionnaires and/or worksheets to guide you in gathering the necessary information. Your use of such forms will assist in keeping pertinent information from being overlooked.

It is your responsibility to provide all the information required for the preparation of a complete and accurate return. You should retain all the documents and other data that form the basis of the Form 5500 filing. These may be necessary to prove the accuracy and completeness of the returns to the Internal Revenue Service and Department of Labor. You have the final responsibility for the return and, therefore, you should review it carefully before you sign it.

Our/My work in connection with the preparation of your Form 5500 filing does not include any procedures designed to discover defalcations or other irregularities, should any exist.

We/I will use professional judgment in resolving questions or where there may be conflicts between the authorities' interpretations of the law and other supportable positions. Unless otherwise instructed by you, we/I will resolve such questions in your favor whenever possible.

Your return may be selected for review by the Internal Revenue Service and the Department of Labor. Any proposed corrective adjustments by the examining agent are subject to certain rights of appeal. In the event of such government examination, we/I will be available upon request to represent you and will render additional invoices for the time and expenses incurred.

Our/My fee for these services will be based upon the amount of time required at standard billing rates plus out-of-pocket expenses. All invoices are due and payable upon presentation.

This engagement letter relates only to the plan(s) specified above. Please notify us/me if you have additional employee benefit plans that might require a Form 5500 filing.

If the foregoing fairly sets forth your understanding, please sign the enclosed copy of this letter in the space indicated and return it to our/my office. However, if there are other returns you expect us/me to prepare, please inform us/me by noting so at the end of the returned copy of this letter.

We/I want to express our appreciation for this opportunity to work with you.

Very truly yours,

Accepted By: _____

Date: _____

706 - ESTATE AND INHERITANCE TAX RETURN ENGAGEMENT LETTER

Dear Fiduciary:

This letter is to confirm and specify the terms of our/my engagement with (Name of Estate) and to clarify the nature and extent of the services we/I will provide. In order to ensure an understanding of our mutual responsibilities, we/I ask all clients for whom returns are prepared to confirm the following arrangements.

We/I will prepare the appropriate federal and state estate and inheritance tax returns from information which you will furnish to us/me. We/I will not audit or otherwise verify the data you submit, although it may be necessary to ask you for clarification of some of the information. We/I will furnish you with questionnaires and/or worksheets to guide you in gathering the necessary information. Your use of such forms will assist in keeping pertinent information from being overlooked.

It is your responsibility to provide all the information required for the preparation of complete and accurate returns. You should retain all the documents and other data that form the basis of calculating the gross estate and appropriate deductions. These may be necessary to prove the accuracy and completeness of the returns to a taxing authority. You have the final responsibility for the estate and inheritance tax returns and, therefore, you should review them carefully before you sign them.

Our/My work in connection with the preparation of the estate and inheritance tax returns does not include any procedures designed to discover defalcations or other irregularities, should any exist. Likewise, we/I do not warrant the accuracy of any valuations or the appropriateness of the values used in the preparation of the tax returns.

We/I will use professional judgment in resolving questions where the tax law is unclear, or where there may be conflicts between the taxing authorities' interpretations of the law and other supportable positions. Unless otherwise instructed by you, we/I will resolve such questions in your favor whenever possible.

The law provides various penalties that may be imposed when taxpayers understate their tax liability. If you would like information on the amount or the circumstances of these penalties, please contact us/me.

Your returns may be selected for review by the taxing authorities. Any proposed adjustments by the examining agent are subject to certain rights of appeal. In the event of such government tax examination, we/I will be available upon request to represent you and will render additional invoices for the time and expenses incurred.

Our/My fee for these services will be based upon the amount of time required at standard billing rates plus out-of-pocket expenses. All invoices are due and payable upon presentation.

If the foregoing fairly sets forth your understanding, please sign the enclosed copy of this letter in the space indicated and return it to our/my office. However, if there are other tax returns you expect us/me to prepare, please inform us/me by noting so at the end of the returned copy of this letter.

We/I want to express our appreciation for this opportunity to work with you.

Very truly yours,

Accepted By: _____

Date: _____

TAX EXAMINATION ENGAGEMENT LETTER

Dear Client:

This letter will confirm the arrangements for our/my representation of you with respect to the Internal Revenue Service examination of your _____ Federal income tax return. As part of this engagement, we/I request that you sign the attached Form 2848, *Power of Attorney and Declaration of Representative*, which will notify the IRS that we/I are your authorized representative.

We/I will represent you before the Internal Revenue Service during this examination, unless the arrangement is terminated in writing by either party. Furthermore, in the event we/I cannot resolve all of the issues at the examination level, we/I will be available to appeal any proposed deficiency at the Appeals Division of the Internal Revenue Service, although that appeal is not part of this engagement.

We/I will not audit, or otherwise verify, any information provided by you for presentation to the Internal Revenue Service during the course of the examination, unless we/I deem it necessary or you specifically request us to do so in writing. However, we/I may ask you for further clarification and expect you to provide that clarification promptly and candidly.

Our communications are “confidential,” not “privileged.” That is, they may not be disclosed unless you approve under *most* circumstances. On the other hand, privileged communications are not permitted to be disclosed, even in court. There is no CPA-client privilege in Federal matters. Accordingly, if we/I are served by a properly issued administrative summons compelling us/me to testify in court proceedings, even our/my confidential communications are subject to disclosure.

The Internal Revenue Service has recently begun emphasizing a number of procedures during examinations to ascertain that taxpayers have reported all of their income. These procedures have led to a growing number of requests by examining agents to interview the taxpayer directly. However, you do have a statutory right to be represented, and *not* to meet with the examining agent (unless you are served with an enforceable administrative summons). It is in your best interest to refer any questions or other contact from the agent to us/me without discussing the case with the agent. By signing this engagement letter you acknowledge that any direct contact by the IRS will be promptly referred to us/me as your authorized representative. It is hereby acknowledged that if you choose to appear before or discuss this case with the agent against our/my advice, you do so at your own risk.

Fees for our/my representation (plus out-of-pocket expenses) will be billed as incurred. We/I also require a retainer of \$_____, payable on acceptance of this agreement.

Fees and expenses are due and payable upon presentation of our invoice to you. Bills rendered to you will not be applied against the \$_____ retainer. Our/my fee for representing you will be based upon our/my time, billed at our/my customary rates. We/I estimate our/my fees to be \$_____ or on average \$_____ per hour. If we/I have not received payment in accordance with the stated terms, we/I reserve the right to terminate this engagement with no further notice.

If this letter reflects your understanding of the terms of our engagement, please sign below and return one copy in the enclosed envelope.

We/I look forward to serving you.

Very truly yours,

Accepted By: _____

Title: _____

Date: _____

OPTIONAL PARAGRAPHS FOR INCLUSION IN
TAX ENGAGEMENT LETTERS

A) Accuracy-Related Penalty Disclosures

1. For Individuals:

The law provides for a penalty to be imposed where a taxpayer makes a substantial understatement of their tax liability. For individual taxpayers, a substantial understatement exists when the understatement for the year exceeds the greater of 10 percent of the tax required to be shown on the return, or \$5,000. The penalty is 20 percent of the tax underpayment. Taxpayers may seek to avoid all or part of the penalty by showing (1) that they acted in good faith and there was reasonable cause for the understatement, (2) that the understatement was based on substantial authority, or (3) that the relevant facts affecting the item's tax treatment were adequately disclosed on Form 8275 or 8275-R attached to the return and there was reasonable basis for the position. You agree to advise us/me if you wish disclosure to be made in your returns or if you desire us/me to identify or perform further research with respect to any material tax issues for the purpose of ascertaining whether, in our/my opinion, there is "substantial authority" for the position proposed to be taken on such issue in your returns.

2. For Partnerships and Limited Liability Companies:

The law provides for a penalty to be imposed where a taxpayer makes a substantial understatement of their tax liability. For partnerships and individual taxpayers, a substantial understatement exists when the understatement for the year exceeds the greater of 10 percent of the tax required to be shown on the return, or \$5,000. The penalty is 20 percent of the tax underpayment. Taxpayers other than "tax shelters" may seek to avoid all or part of the penalty by showing (1) that they acted in good faith and there was reasonable cause for the understatement, (2) that the understatement was based on substantial authority, or (3) that the relevant facts affecting the item's tax treatment were adequately disclosed on Form 8275 or 8275-R attached to the return and there was reasonable basis for the position. A taxpayer is considered a "tax shelter" if its principal purpose is to avoid federal income tax. Because a partnership is an entity whose tax attributes flow through to its partners, the penalty for substantial understatement of tax relating to partnership items may be imposed on the partner. You agree to advise us/me if you wish disclosure to be made in your returns or if you desire us/me to identify or perform further research with respect to any material tax issues for the purpose of ascertaining whether, in

our/my opinion, there is "substantial authority" for the position proposed to be taken on such issue in your returns.

3. For C Corporations:

The law provides for a penalty to be imposed where a taxpayer makes a substantial understatement of their tax liability. For corporate taxpayers, a substantial understatement exists when the understatement for the year exceeds the greater of 10 percent of the tax required to be shown on the return, or \$10,000. The penalty is 20 percent of the tax underpayment. Taxpayers may seek to avoid all or part of the penalty by showing (1) that they acted in good faith and there was reasonable cause for the under-statement, (2) that the understatement was based on substantial authority, or (3) that the relevant facts affecting the item's tax treatment were adequately disclosed on Form 8275 or 8275-R attached to the return and there was reasonable basis for the position. You agree to advise us/me if you wish disclosure to be made in your returns or if you desire us/me to identify or perform further research with respect to any material tax issues for the purposes of ascertaining whether, in our/my opinion, there is "substantial authority" for the position proposed to be taken on such issue in your returns.

4. For S Corporations:

The law provides for a penalty to be imposed where a taxpayer makes a substantial understatement of their tax liability. For S corporations and individual taxpayers, a substantial understatement exists when the understatement for the year exceeds the greater of 10 percent of the tax required to be shown on the return, or \$5,000. The penalty is 20 percent of the tax underpayment. Taxpayers other than "tax shelters" may seek to avoid all or part of the penalty by showing (1) that they acted in good faith and there was reasonable cause for the understatement, (2) that the understatement was based on substantial authority, or (3) that the relevant facts affecting the item's tax treatment were adequately disclosed on Form 8275 or 8275-R attached to the return and there was reasonable basis for the position. A taxpayer is considered a "tax shelter" if its principal purpose is to avoid Federal income tax. Because an S corporation is an entity whose tax attributes generally flow through to its shareholders, the penalty for substantial understatement of tax relating to S corporation items may be imposed at either the corporate or shareholder level. You agree to advise us/me if you wish disclosure to be made in your returns or if you desire us/me to identify or perform further research with respect to any material tax issues for the purpose of ascertaining whether, in our/my opinion,

there is "substantial authority" for the position proposed to be taken on such issue in your returns.

5. For Fiduciaries (Estates and Trusts):

The law provides for a penalty to be imposed where a taxpayer makes a substantial understatement of its tax liability. For fiduciary taxpayers, a substantial understatement exists when the understatement for the year exceeds the greater of 10 percent of the tax required to be shown on the return, or \$5,000. The penalty is 20 percent of the tax underpayment. Fiduciaries may seek to avoid all or part of the penalty by showing (1) that they acted in good faith and there was reasonable cause for the understatement, (2) that the understatement was based on substantial authority, or (3) that the relevant facts affecting the item's tax treatment were adequately disclosed on Form 8275 or 8275-R attached to the return and there was reasonable basis for the position. You agree to advise us/me if you wish disclosure to be made in the returns or if you desire us/me to identify or perform further research with respect to any material tax issues for the purpose of ascertaining whether, in our/my opinion, there is "substantial authority" for the position proposed to be taken on such issue in the returns.

- B) The engagement does not include any services not specifically stated in this letter. However, we/I would be pleased to consult with you regarding the income tax matters such as proposed or completed transactions, income tax projections, and for research in connection with such matters. We/I will render additional invoices for such services at our/my standard billing rates.
- C) You represent that the information you are supplying to us/me is accurate and complete to the best of your knowledge and that your expenses for meals, entertainment, travel, business gifts, charitable contributions, dues and memberships, and vehicle use are supported by records as required by law. We/I will not verify the information you give us/me. However, we/I may ask you for clarification of some of the information.
- D) Your tax return will be processed by an outside tax computer processing center. Please advise us/me if you prefer that we/I request extra security or forego the outside processing altogether.
- E) We/I subscribe to a program of peer review for maintenance of quality control in our/my office. As part of this program, your return may be selected for review by other CPAs under strict rules of confidentiality. Your acceptance below constitutes your agreement for disclosure under the program.

- F) A late payment charge of ____ percent per month will be assessed on any unpaid balance after deduction of current payments, credits, and allowances made within 30 days of date of billing. This is an Annual Percentage Rate of ____ percent.
- G) The law provides for a penalty of 20 percent to be imposed on any underpayment that results from negligence or disregard of rules or regulations. Negligence "includes any failure to make a reasonable attempt to comply ..." with the code. Disregard "includes any careless, reckless or intentional disregard." Taxpayers may seek to avoid all or part of the penalty by showing they acted in good faith and can demonstrate reasonable basis for the understatement.
- H) You may choose to have us/me file your return electronically with the Internal Revenue Service Center. You must review and sign the return before it can be electronically transmitted. We/I are/am not responsible for the length of time it takes the IRS to process your return. Our/my fee for this service is _____.
- I) We/I have attached a tax organizer. It is designed to assist you in gathering the data necessary for us/me to prepare a complete and accurate return.

1040 - INDIVIDUAL TRANSMITTAL LETTER

(Date) _____

(Taxpayer) _____

(Address) _____

Dear (Taxpayer) :

Enclosed are the originals and copies of your 19XX federal, (State), and (Local) individual income tax returns. The copies are for your files. The originals are to be filed as follows:

FORM 1040 - The original return should be signed and dated by you/both of you and mailed on or before (Date) to:
Internal Revenue Service
(Center Address)

- ☐ The return shows no balance due and no refund.
- ☐ The return shows a balance due of \$____. Attach a check payable to 'Internal Revenue Service' for this amount to your return, noting your social security number and '19XX Form 1040' on your check.
- ☐ The return shows an overpayment of \$____, of which \$____ will be credited to your estimated tax for 19XX, the balance of \$____ will be refunded to you.

FORM (STATE) - The original return should be signed and dated by you/both of you and mailed on or before (Date) to:

(Agency)

(Address)

- ☐ The return shows no balance due and no refund.
- ☐ The return shows a balance due of \$____. A check payable to (Payee) in this amount should be attached to/enclosed with your return. Your social security number and '19XX Form _____' should be noted on your check.
- ☐ The return shows an overpayment of \$____, of which \$____ will be credited to your estimated tax for 19XX and \$____ will be refunded to you.

FORM (LOCAL) - The original return should be signed and dated by you/both of you and mailed on or before (Date) to:

(Agency)

(Address)

- ☐ The return shows no balance due and no refund.
- ☐ The return shows a balance due of \$____. A check payable to (Payee) in this amount should be attached to/enclosed with your return. Your social security number and '19XX Form _____' should be noted on your check.
- ☐ The return shows an overpayment of \$____, of which \$____ will be credited to your estimated tax for 19XX and \$____ will be refunded to you.

These returns were prepared from information you furnished to us/me. Before signing and filing these returns you should review them carefully to be sure that there are no omissions or misstatements.

Your returns are subject to review by federal, state and local taxing agencies. Upon examination, requests may be made for supporting documentation. Accordingly, we/I recommend that you retain your tax records for a period of at least ____ years.

Please contact us/me immediately if you receive any notification from federal, state or local taxing agencies regarding your tax returns.

Also enclosed are originals and copies of your federal, (State) and (Local) estimated tax payment vouchers for 19XX/the tax year ending (Date). The copies are for your files. The originals are to be filed as follows:

FEDERAL ESTIMATES

On or before each due date shown below, mail the respective voucher to:

Internal Revenue Service
(Address)

Enclose a check payable to 'Internal Revenue Service' in the amount indicated, noting your social security number and '19XX Form 1040-ES' on your check.

	Due Date	Amount
Overpayment Applied		\$
First Quarter	April 15, 19XX	\$
Second Quarter	June 15, 19XX	\$
Third Quarter	September 15, 19XX	\$
Fourth Quarter	January 15, 19XX	\$
TOTAL		\$

(STATE) ESTIMATES

On or before each due date shown below, mail the respective voucher to:

(Agency)
(Address)

Enclose a check payable to (Payee) in the amount indicated, noting your social security number and '19XX Form ____' on your check.

	Due Date	Amount
Overpayment Applied		\$
First Quarter		\$
Second Quarter		\$
Third Quarter		\$
Fourth Quarter		\$
TOTAL		\$

(LOCAL) ESTIMATES

On or before each due date shown below, mail the respective voucher to:

(Agency)
(Address)

Enclose a check payable to (Payee) in the amount indicated, noting 'Form ,' tax period ending (Date), and your (Local) identification number on the check.

	Due Date	Amount
Overpayment Applied		\$
First Quarter		\$
Second Quarter		\$
Third Quarter		\$
Fourth Quarter		\$
TOTAL		\$

Your estimated tax payments were based on prior year taxable year income and withholdings. Therefore, you should contact us/me concerning any changes in income or withholding.

The original documents you furnished with your organizer are enclosed.

We/I appreciate this opportunity to be of service to you. Please contact us/me should you have any questions regarding the enclosed returns or if we/I can be of any further assistance.

Very truly yours,

(Preparer)

1041 - FIDUCIARY TRANSMITTAL LETTER

(Date)

(Fiduciary Estate/Trust name)

(Address)

Dear Fiduciary :

Enclosed are the originals and copies of the 19XX federal, (State), and (Local) fiduciary income tax returns for the estate/trust. The copies are for your files. The originals are to be filed as follows:

FORM 1041 - The original return should be signed and dated by the fiduciary and mailed on or before (Date) to:

Internal Revenue Service
(Center Address)

- ☐ The return shows no balance due and no refund.
- ☐ The return shows a balance due of \$____. Attach a check payable to 'Internal Revenue Service' for this amount to the return, noting the taxpayer identification number and '19XX Form 1041' on the check.
- ☐ The return shows an overpayment of \$____, of which \$____ will be credited to the estimated tax for 19XX and \$____ will be refunded.

FORM (STATE) - The original return should be signed and dated by the fiduciary and mailed on or before (Date) to:

(Agency)
(Address)

- ☐ The return shows no balance due and no refund.
- ☐ The return shows a balance due of \$____. A check payable to (Payee) in this amount should be attached to/enclosed with the return. The taxpayer identification number and '19XX Form ____' should be noted on the check.
- ☐ The return shows an overpayment of \$____, of which \$____ will be credited to the estimated tax for 19XX and \$____ will be refunded.

FORM (LOCAL) - The original return should be signed and dated by the fiduciary and mailed on or before (Date) to:

(Agency)
(Address)

- ☐ The return shows no balance due and no refund.
- ☐ The return shows a balance due of \$____. A check payable to (Payee) in this amount should be attached to/enclosed with the return. The taxpayer identification number and '19XX Form ____' should be noted on the check.

- ☐ The return shows an overpayment of \$____, of which \$____ will be credited to the estimated tax for 19XX and \$____ will be refunded.

These returns were prepared from information furnished to us/me. Before signing and filing these returns they should be reviewed carefully to be sure that there are no omissions or misstatements.

The returns are subject to review by federal, state and local taxing agencies. Upon examination, requests may be made for supporting documentation. Accordingly, we/I recommend that the tax records be retained for a period of at least ____ years.

Please contact us/me immediately if any notification from federal, state or local taxing agencies is received regarding tax returns.

Also enclosed are originals and copies of the federal, (State) and (Local) estimated tax payment vouchers for 19XX/the tax year ending (Date). The copies are for your files. The originals are to be filed as follows:

FEDERAL ESTIMATES

On or before each due date shown below, mail the respective voucher to:

Internal Revenue Service
(Address)

Enclose a check payable to 'Internal Revenue Service' in the amount indicated, noting the taxpayer identification number and '19XX Form 1041-ES' on the check.

	Due Date	Amount
Overpayment Applied		\$
First Quarter	April 15, 19XX	\$
Second Quarter	June 15, 19XX	\$
Third Quarter	September 15, 19XX	\$
Fourth Quarter	January 15, 19XX	\$
TOTAL		\$

(STATE) ESTIMATES

On or before each due date shown below, mail the respective voucher to:

(Agency)
(Address)

Enclose a check payable to (Payee) in the amount indicated, noting the taxpayer identification number and '19XX Form ____' on the check.

	Due Date	Amount
Overpayment Applied		\$
First Quarter		\$
Second Quarter		\$
Third Quarter		\$
Fourth Quarter		\$
TOTAL		\$

(LOCAL) ESTIMATES

On or before each due date shown below, mail the respective voucher to:

(Agency)
(Address)

Enclose a check payable to (Payee) in the amount indicated, noting 'Form __,' tax period ending (Date), and the (Local) identification number on the check.

	Due Date	Amount
Overpayment Applied		\$
First Quarter		\$
Second Quarter		\$
Third Quarter		\$
Fourth Quarter		\$
TOTAL		\$

The estimated tax payments were based on prior year taxable year income and withholdings. Therefore, you should contact us/me concerning any changes in income or withholding.

The original documents you furnished with you organizer are enclosed.

We/I appreciate this opportunity to be of service to you. Please contact us/me should you have any questions regarding the enclosed returns or if we/I can be of any further assistance.

Very truly yours,

(Preparer)

1065 - PARTNERSHIP TRANSMITTAL LETTER

(Date) _____

(Taxpayer) _____

(Address) _____

Dear (Taxpayer) :

Enclosed are the originals and copies of your federal, (State), and (Local) partnership income tax returns for 19XX/the year ended (Date). The copies are for your files. The originals are to be filed as follows:

FORM 1065 - The original return should be signed and dated by a general partner of the Partnership and mailed on or before (Date) to:

Internal Revenue Service
(Center Address)

The return shows no balance due and no refund.

FORM (STATE) - The original return should be signed and dated by a general partner of the Partnership and mailed on or before (Date) to:

(Agency)
(Address)

The return shows no balance due and no refund.

FORM (LOCAL) - The original return should be signed and dated by a general partner of the Partnership and mailed on or before (Date) to:

(Agency)
(Address)

The return shows no balance due and no refund.

Also enclosed is a Schedule K-1 for each partner. Please distribute the Schedule K-1s to the respective partners immediately.

These returns were prepared from information you furnished to us/me. Before signing and filing these returns you should review them carefully to be sure that there are no omissions or misstatements.

Your returns are subject to review by federal, state, and local taxing agencies. Upon examination, requests may be made for supporting documentation. Accordingly, we/I recommend that you retain your tax records for a period of at least ____ years.

Please contact us/me immediately if you receive any notification from federal, state, or local taxing agencies regarding your tax returns.

We/I appreciate this opportunity to be of service to you. Please contact us/me should you have any questions regarding the enclosed returns or if we/I can be of any further assistance.

Very truly yours,

(Preparer) _____

1120 - CORPORATION TRANSMITTAL LETTER

(Date)

(Taxpayer)

(Address)

Dear (Taxpayer) :

Enclosed are the originals and copies of your federal, (State), and (Local) corporation income/franchise tax returns for 19XX/the year ended (Date). The copies are for your files. The originals are to be filed as follows:

FORM 1120 - The original return should be signed and dated by an authorized officer of the Corporation and mailed on or before (Date) to:

Internal Revenue Service
(Center Address)

- ☐ The return shows no balance due and no refund.
- ☐ The return shows a balance due of \$____. Deposit this amount at a qualifying financial institution along with a completed Form 8109, 'Federal Tax Deposit Coupon,' on or before (Date). Be sure to darken the '1120' box for type of tax and the '4th Quarter' box for tax period on the Deposit Coupon. On the check indicate 'Form 1120,' tax period ended (Date), and your employer identification number. Based upon your past deposit history, you may be required to use the Electronic Fund Transfer (EFT) method for making these deposits.
- ☐ The return shows an overpayment of \$____, of which \$____ will be refunded to you and \$____ will be credited to your estimated tax for 19XX/the tax year ending (Date).

FORM (STATE) - The original return should be signed and dated by an authorized officer of the Corporation and mailed on or before (Date) to:

(Agency)
(Address)

- ☐ The return shows no balance due and no refund.
- ☐ The return shows a balance due of \$____. A check payable to (Payee) in this amount should be attached to/enclosed with the return. 'Form ____,' tax period ended (Date), and your (State) identification number should be noted on the check.
- ☐ The return shows an overpayment of \$____, of which \$____ will be refunded to you and \$____ will be credited to your estimated tax for 19XX/the tax year ending (Date).

FORM (LOCAL) - The original return should be signed and dated by an authorized officer of the Corporation and mailed on or before (Date) to:

(Agency)
(Address)

- ☐ The return shows no balance due and no refund.

- ☐ The return shows a balance due of \$____. A check payable to (Payee) in this amount should be attached to/enclosed with your return. 'Form ____,' tax period ended (Date) , and your (Local) identification number should be noted on the check.
- ☐ The return shows an overpayment of \$____, of which \$____ will be refunded to you and \$____ will be credited to your estimated tax for 19XX/the tax year ending (Date).

These returns were prepared from information you furnished to us/me. Before signing and filing these returns you should review them carefully to be sure that there are no omissions or misstatements.

Your returns are subject to review by federal, state and local taxing agencies. Upon examination, requests may be made for supporting documentation. Accordingly, we/I recommend that you retain your tax records for a period of at least ____ years.

Please contact us/me immediately if you receive any notification from federal, state, or local taxing agencies regarding your tax returns.

Also enclosed are originals and copies of your federal, (State) and (Local) estimated tax payment vouchers for 19XX/the tax year ending (Date). The copies are for your files. The originals are to be filed as follows:

FEDERAL ESTIMATES

On or before each due date shown below, deposit the respective amount along with a completed Form 8109, 'Federal Tax Deposit Coupon' at an authorized financial institution. Be sure to darken the '1120' box for type of tax and the '1st Quarter' box for tax period on the Deposit Coupon. On the check indicate 'Form 1120,' tax period ending (Date) , and your employer identification number. Based upon your past deposit history, you may be required to use the Electronic Fund Transfer (EFT) method for making these deposits.

	Due Date	Amount
Overpayment Applied		\$
First Quarter		\$
Second Quarter		\$
Third Quarter		\$
Fourth Quarter		\$
TOTAL		\$

(STATE) ESTIMATES

On or before each due date shown below, mail the respective voucher to:

 (Agency)
 (Address)

Enclose a check payable to (Payee) in the amount indicated, noting 'Form ,' tax period ending (Date), and your (State) identification number on the check.

	Due Date	Amount
Overpayment Applied		\$
First Quarter		\$
Second Quarter		\$
Third Quarter		\$
Fourth Quarter		\$
TOTAL		\$

(LOCAL) ESTIMATES

On or before each due date shown below, mail the respective voucher to:

 (Agency)
 (Address)

Enclose a check payable to (Payee) in the amount indicated, noting 'Form ,' tax period ending (Date), and your (Local) identification number on the check.

	Due Date	Amount
Overpayment Applied		
First Quarter		\$
Second Quarter		\$
Third Quarter		\$
Fourth Quarter		\$
TOTAL		\$

Your estimated tax payments for 19XX/the tax year ending (date) were calculated using taxable income of \$ /the same as 19XX/the tax year ended (date). If your situation changes, contact us/me immediately to determine if your estimated payments need to be revised.

We/I appreciate this opportunity to be of service to you. Please contact us/me should you have any questions regarding the enclosed returns or if we/I can be of any further assistance.

Very truly yours,

(Preparer)

1120S - S CORPORATION TRANSMITTAL LETTER

(Date) _____

(Taxpayer) _____

(Address) _____

Dear (Taxpayer) :

Enclosed are the originals and copies of your federal, (State), and (Local) S Corporation income/franchise tax returns for 19XX/the year ended (Date). The copies are for your files. The originals are to be filed as follows:

FORM 1120S - The original return should be signed and dated by an authorized officer of the Corporation and mailed on or before (Date) to:

Internal Revenue Service
(Center Address)

- ☐ The return shows no balance due and no refund.
- ☐ The return shows a balance of \$ _____. Deposit this amount at a qualifying financial institution along with a completed Form 8109, 'Federal Tax Deposit Coupon,' on or before Date. Be sure to darken the '1120' box for type of tax and the '4th Quarter' box for tax period on the Deposit Coupon. On the check indicate 'Form 1120,' tax period ended (Date) and your employer identification number. Based upon your past deposit history, you may be required to use the Electronic Fund Transfer (EFT) method for making these deposits.
- ☐ The return shows an overpayment of \$ ___, of which \$ ____ will be refunded to you and \$ ____ will be credited to your estimated tax for 19XX/the tax year ending (Date).

FORM (STATE) - The original return should be signed and dated by an authorized officer of the Corporation and mailed on or before (Date) to:

(Agency)
(Address)

The return shows no balance due and no refund.

FORM (LOCAL) - The original return should be signed and dated by an authorized officer of the Corporation and mailed on or before (Date) to:

(Agency)
(Address)

Also enclosed is a Schedule K-1 for each shareholder. Please distribute the Schedule K-1s to the respective shareholders immediately.

These returns were prepared from information you furnished to us/me. Before signing and filing these returns you should review them carefully to be sure that there are no omissions or misstatements.

Your returns are subject to review by federal, state, and local taxing agencies. Upon examination, requests may be made for supporting documentation. Accordingly, we/I recommend that you retain your tax records for a period of at least ____ years.

Please contact us/me immediately if you receive any notification from federal, state, or local taxing agencies regarding your tax returns. We/I appreciate this opportunity to be of service to you. Please contact us/me should you have any questions regarding the enclosed returns or if we/I can be of any further assistance.

Very truly yours,

(Preparer) _____

OPTIONAL PARAGRAPHS FOR INCLUSION IN TRANSMITTAL LETTERS

A) Estimated Tax Responsibilities for Certain Corporations

Your return for 19XX either reflected no taxable income or a short year, or you had taxable income of \$1,000,000 or more for any of the three previous years. Therefore, you cannot utilize the 100% of prior year tax safe harbor provisions in meeting your quarterly estimated tax responsibilities. Accordingly, you are required to make quarterly estimated tax payments equaling 100% of your current year tax liability. If there are any questions concerning the calculation of these quarterly payments, please contact us/me immediately.

B) Retirement Plan Contributions

1. For Individuals

We/I have reported (a) contribution(s) to your Individual Retirement Account(s) on the enclosed tax returns as follows:

(Taxpayer) _____	\$ _____
(Spouse) _____	\$ _____

If not already made, the contribution(s) must be made on or before April 15, 19XX.

We/I have reported (a) contribution(s) to your Keogh/SEP retirement plan(s) on the enclosed tax returns as follows:

(Keogh) _____	\$ _____
(SEP) _____	\$ _____

If not already made, the contribution(s) must be made on or before the date you timely file your return.

2. For Businesses

We/I have reported (a) contribution(s) to your qualified retirement plan(s) on the enclosed tax returns as follows:

(Profit Sharing Plan) _____	\$ _____
(Money Purchase Pension Plan) _____	\$ _____
(Defined Benefit Pension Plan) _____	\$ _____
(Target Benefit Pension Plan) _____	\$ _____
(Other) _____	\$ _____

If not already made, the contribution(s) must be made on or before the date you timely file your return.

C) Client Representation

Recent legislation specifically reinforces that you, the taxpayer, are responsible for the accuracy of your returns. Although we/I have been engaged to prepare your returns, you are ultimately responsible for them. We/I have prepared your returns using the information that you provided. We/I have not audited or independently verified the data you furnished, although we/I may have asked for further clarification on some of the information. Accordingly, you should examine the enclosed returns carefully before signing and filing them.

If there is anything on the returns that you do not understand, ask us/me to explain. It is important to ensure that the returns are true and accurate to the best of your knowledge.

NEW CLIENT WELCOME LETTER

(Date) _____

(Taxpayer) _____

(Address) _____

Dear _____ (Taxpayer) _____:

Thank you for choosing our/my firm. We/I will work on your behalf to maintain the confidence you have in us/me by selecting our/my firm.

In order to compile a complete file, please provide copies of the following documents:

Select Items To Be Requested

_____ From your corporate record book:

Articles of Incorporation and Bylaws

Minutes

Stock register

_____ Partnership agreement

_____ Depreciation schedules

_____ Tax returns for _____, _____, and _____/the years
ended _____, _____ and _____

_____ Financial statements for the year(s) ended _____, _____, and _____.

_____ Buy/sell agreement(s)

_____ Employment agreement(s)

_____ Lease agreement(s)

_____ Loan agreement(s)

_____ Tax elections and related approvals

_____ Copies of taxing authority audit reports

_____ Will

_____ Trust agreement

_____ _____

_____ _____

Thanks again for choosing us/me to service your accounting, tax and related needs. We/I look forward to a long and mutually satisfying relationship. Should you have any questions or concerns regarding your account or our/my services, please contact us/me.

Sincerely,

(Preparer) _____

CLIENT REVIEW FOR ADDITIONAL SERVICES

These forms were designed to assist practitioners in providing more complete service to their clients and increase billings from their existing client base. It is anticipated that any individual working on the account may initiate the review as different levels of personnel are likely to provide differing perspectives. The procedure may be performed on an annual basis, perhaps in conjunction with the year-end, and may then be suspended to be addressed at a more convenient time of the year. The completed form may then be routed to the various personnel in charge of the areas for which additional services are being considered, as well as to the person in charge. The respective specialists may provide their comments to the partner in charge, or whoever is deemed applicable, to determine the appropriate action to be taken. A firm may appoint a business development committee to review the completed forms on a regular basis.

As a final matter, the practitioner may wish to consider color coding these forms to facilitate routing and access by staff.

INDIVIDUAL CLIENT REVIEW FOR ADDITIONAL SERVICES

CLIENT NAME/NUMBER _____

PERSON IN CHARGE _____ PREPARED BY _____ DATE _____

ROUTE TO: _____, _____, _____, _____, _____

The following services should be considered for this client: (check applicable items)

	<u>DISPOSITION/COMMENTS</u>	<u>CLEARED BY</u>
_____ Amend prior year returns - additions, deductions, carrybacks, etc.	_____	_____
_____ Cash/credit management	_____	_____
_____ Compensation and benefit planning	_____	_____
_____ Income and AMT tax planning	_____	_____
_____ Investment and insurance evaluation and planning	_____	_____
_____ Estate planning	_____	_____
_____ Liability and risk management	_____	_____
_____ Tax Attribute Maximization: - NOL planning	_____	_____
_____ - Review for available tax credits	_____	_____
_____ Retirement funding adequacy	_____	_____
_____ Children's education funding	_____	_____
_____ Other:		
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

BUSINESS CLIENT REVIEW FOR ADDITIONAL SERVICES

CLIENTNAME/NUMBER _____

PERSON IN CHARGE _____ PREPARED BY _____ DATE _____

ROUTE TO: _____, _____, _____, _____, _____

The following services should be considered for this client: (check applicable items)

	<u>DISPOSITION/COMMENTS</u>	<u>CLEARED BY</u>
_____ Amend prior year returns - additions, deductions, carrybacks, etc.	_____	_____
_____ Business/Strategic Planning	_____	_____
_____ Buy/sell agreements	_____	_____
_____ Cash/credit management	_____	_____
_____ Change in Accounting Method:		
_____ - Alternative methods to defer recognition of income	_____	_____
_____ - Alternative methods to accelerate expense recognition	_____	_____
_____ - Alternative methods to minimize AMT	_____	_____
_____ Enhance or change accounting system	_____	_____
_____ Change tax year	_____	_____
_____ Compensation and benefit planning:		
_____ - Retirement plans (retirement/401(k))	_____	_____
_____ - Deferred compensation plans	_____	_____
_____ - Flexible benefit plans	_____	_____
_____ - Medical reimbursement	_____	_____
_____ Computer Services:		
_____ - has no computer, may need one	_____	_____
_____ - has computer, may need I/C review	_____	_____
_____ - has computer, needs assistance	_____	_____
_____ - needs PC network or enhancements	_____	_____
_____ Disaster recovery planning	_____	_____
_____ Estate or succession planning	_____	_____
_____ Finance and banking relations	_____	_____
_____ Income tax planning	_____	_____
_____ State and Local Tax Planning:		
_____ - Income and franchise tax	_____	_____

BUSINESS CLIENT REVIEW FOR ADDITIONAL SERVICES

		<u>DISPOSITION/COMMENTS</u>	<u>CLEARED BY</u>
_____	- Ad valorem/property tax	_____	_____
_____	- sales and use taxes	_____	_____
_____	- Excise taxes and duties compliance review and planning	_____	_____
	Tax Attribute Maximization:		
_____	- NOL planning	_____	_____
_____	- Review for available tax credits	_____	_____
_____	- Review for applicable economic development and other business promotion incentives	_____	_____
_____	MAS service - financial, marketing, operations, etc.	_____	_____
_____	Owner and/or executive retirement or financial planning	_____	_____
_____	Risk management	_____	_____
_____	Tax entity changes - incorporation, S election, liquidation, etc.	_____	_____
	Other:		
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

CLIENT REVIEW COMMENTS

CLIENT _____

RETURN/PROJECT _____ TAX YEAR _____

REVIEWED BY _____ DATE COMPLETED _____

CLEARED BY _____ DATE COMPLETED _____

[illegible]

Page ____ of ____

TAX RESEARCH REQUEST AND RESULTS FORMS

These forms were developed to formalize tax research assignments, notify the personnel related to an account that a research project has been initiated, provide a framework for the assigned personnel, and serve as a means to monitor the status of the project. Routing the request to other personnel associated with the client may help to insure that all pertinent facts are provided to the assigned researcher. In addition, someone may have encountered the situation, or a similar circumstance, with another client and may be able to provide some valuable assistance regarding the question at hand. Practitioners may also choose to keep a file of completed request/results forms, indexed by Code Section or some other means, as an in-house reference source.

TAX RESEARCH REQUEST

CLIENT NAME/NUMBER _____

SUBJECT MATTER _____

REQUESTED BY _____ ASSIGNED TO _____

DATE OF REQUEST _____ DUE DATE _____ TIME BUDGET _____

FACTS:

QUESTION(S):

Page _____ of _____

TAX RESEARCH RESULTS

CLIENT NAME/NUMBER _____

SUBJECT MATTER _____

PREPARED BY _____ DATE _____

REVIEWED BY _____ DATE _____

ACTUAL TIME _____

FINDINGS: (Attach Research)

CONCLUSION(S):

Page _____ of _____

CARRYFORWARD SCHEDULE

Client Name/Number: _____

Carryforward to Period: _____ Tax Form: _____

CARRYFORWARD DEDUCTION AND CREDITS (CHECK IF APPLICABLE)

AMOUNT

—	Capital Loss Carryforward	\$	_____
—	Charitable Contributions Carryforward		_____
—	Net Operating Loss Carryforward - Regular		_____
—	Net Operating Loss Carryforward - AMT		_____
—	Investment Credit Carryforward		_____
—	WIN Credit Carryforward		_____
—	Job Tax Credit Carryforward		_____
—	Loss Carryforwards Attributable to at Risk Limitation Partnerships, S Corps., etc.)		_____
—	Investment Interest Expense Carryforward		_____
—	Carryforward of Office in Home Deductions		_____
—	Carryforward of Suspended Passive Losses and Credits		_____
—	Alternative Minimum Tax Credit		_____
—	Section 179 Amount Due to Income Limitations		_____
—	Foreign Tax Credit		_____
—	Other _____		_____
—	_____		_____
—	_____		_____

DEFERRED GAINS (CHECK IF APPLICABLE)

—	Installment Sales	_____
—	Income Pick-up from Short-Year S Corp., Partnership and Trust Returns	_____
—	Gain on Sale of Residence	_____
—	Cash to Accrual Method Adjustments	_____
—	Gain on Involuntary Conversion	_____
—	Uniform Capitalization Inventory Adjustment	_____
—	Recapture of Bad Debt Reserve	_____
—	Other _____	_____
—	_____	_____
—	_____	_____

COMMENTS AND EXPLANATIONS: _____

Prepared by: _____

Signature _____

Date _____

TAX PERMANENT FILE CONTENTS - INDIVIDUAL

- ___ Amended return schedule
- ___ Basis for mortgage interest computations
- ___ Buy/sell agreements
- ___ Client background data
- ___ Closing documents for purchase/sale of a residence
- ___ Contracts
- ___ Copies of gift/estate tax returns
- ___ Divorce decree(s)/Separation agreement(s)
- ___ Estate planning documents
- ___ Forms 2119 (gain on sale of a personal residence)
- ___ Powers of Attorney
- ___ Record of taxing authority audits
- ___ Trust documents
- ___ Wills
- ___ Qualified plan documents, if applicable
- ___ Form 8606 - nondeductible IRA contributions
- ___ _____
- ___ _____
- ___ _____

TAX PERMANENT FILE CONTENTS - BUSINESS ENTITIES

—	Amended return schedule
—	Annual minutes-continuing matters
—	Approval of fiscal year election
—	Approved S election/termination
—	Articles of incorporation/Partnership agreement
—	Automobile policies
—	Buy/sell agreements
—	By-laws
—	Client background data
—	Earnings and profits calculation
—	Employment/independent contractor agreements
—	Federal and state taxpayer identification numbers
—	Form 966 liquidation form
—	Fringe benefit information (i.e., medical reimbursement, education, deferred compensation, etc.)
—	Officer life insurance information
—	Qualified plan IRS determination letter and Summary Plan Description
—	Record of taxing authority audits
—	S election acceptance letter
—	Statement of assets transferred (sections 351/751)
—	Inventory information (i.e., LIFO layers, constant unit values, § 263A formulas, etc.)
—	Basis information (i.e., long-term investments, land, etc.)
—	Accounting methods and elections
—	Consolidation and elimination history
—	_____
—	_____

TAX PERMANENT FILE CONTENTS CARRYFORWARD SCHEDULES

- ___ Alternative minimum tax credit carryforwards
- ___ Basis computation for S corporations/Partnerships
- ___ Basis investments (including dividend reinvestments/stock dividends)
- ___ "Built-in gain" valuation workpapers
- ___ Business credits
- ___ Capital losses
- ___ Contributions
- ___ Data diskettes
- ___ Depreciation schedules
- ___ Excess home office expense
- ___ Excess section 179 deduction
- ___ Installment sales schedules
- ___ Loan amortization schedules and related notes
- ___ Net operating loss and AMT net operating loss carryforwards
- ___ Non-deductible IRAs
- ___ Section 1231 gains/losses
- ___ Suspended passive loss/credits carryforwards
- ___ Unamortized mortgage points schedule

SIMPLIFIED EMPLOYEE PENSION PLAN WORKSHEET

Taxpayer's Name: _____

Simplified Employee Pension Plan (SEP) contribution is based on the earned income of the self-employed individual. Earned income for this computation is determined after the deduction for half of the self-employment tax and a reduction for the self-employed participant's deductible contribution to the SEP.

Necessary Data:

Contribution % _____ (Maximum of 15%) (R)

Schedule C Business Income \$ _____ (C)

Schedule F Profit from Farming \$ _____ (F)

One-half self-employment tax \$ _____ (S)

To compute the owners' SEP contribution use the following formula:

$$\frac{R}{1 + R} \text{ times } (C + F - S)$$

NOTE:

If there are eligible employees, their SEP contribution must be computed using the contribution rate shown above and deducted on Schedules C or F before computing the SEP deduction for the proprietor.

TAX RETURN ROUTING SCHEDULE

(To be bound with _____)

CLIENT NAME/NUMBER _____ TAX YEAR _____

TYPE OF RETURN _____ STATE/LOCAL RETURN(S) REQUESTED _____

DUE DATE _____ EXTENDED DUE DATE _____

DATE DATA RECEIVED FROM CLIENT _____ TARGET COMPLETION DATE _____

IN-CHARGE _____ SIGNER _____ ENGAGEMENT LETTER SIGNED _____

	<u>Assigned to/ Target Date</u>	<u>Initial/Date</u>	<u>Actual Time/Cost</u>	<u>Budget Time/Cost</u>
Client Interview	_____	_____	_____	_____
Preparation	_____	_____	_____	_____
Update Permanent File	_____	_____	_____	_____
Math Check	_____	_____	_____	_____
Forms Input Review	_____	_____	_____	_____
To Computer Processing	_____	_____	_____	_____
Data Entry/Typing	_____	_____	_____	_____
Returned from Computer Processing	_____	_____	_____	_____
Forms Output Review	_____	_____	_____	_____
Technical Review	_____	_____	_____	_____
Update Carryforward Schedule	_____	_____	_____	_____
Assembly	_____	_____	_____	_____
Signature	_____	_____	_____	_____
Mail/Pick-Up/Delivery (Circle One)	_____	_____	_____	_____
Estimate Reminder Log Updated	_____	_____	_____	_____
Total			=====	=====

<u>BILLING</u>	<u>Time Charges</u>	<u>Computer Charges</u>	<u>Out-of-Pocket</u>	<u>Total</u>	<u>Billing</u>
Prior Year	_____	_____	_____	_____	_____
Current Year	_____	_____	_____	_____	_____

=====

SPECIAL INSTRUCTIONS/BUDGET EXCEPTIONS:

TAX RETURN GUIDE SHEET

(To be bound with _____)

Taxpayer _____

Taxable Year(s) _____

Return _____

Number of additional copies _____

Additional copies to:

Name _____

Name _____

Address _____

Address _____

Attach Extension: Yes _____

No _____

Number of Forms W-2 _____

Number of other withholding statements _____

Other attachments to return:

_____ Federal return to state return

Other accountant information to be furnished to client: (X=Xerox, C=Computer printed)

_____ Income Tax Summary
_____ Carryover schedules
_____ Partnership/S Corporation/Fiduciary/K-1 Reconciliations
_____ Passive Activity Loss Worksheets
_____ Current Year Depreciation Schedules
_____ Next Year Depreciation Schedules
_____ Adjusted Trial Balance
_____ Federal Tax Trial Balance
_____ Adjusting Journal Entries
_____ Reclassifying Journal Entries
_____ Federal Tax Journal Entries
_____ General Ledger
_____ General Journal Entries
_____ Cash Disbursements
_____ Cash Receipts
_____ Other (description and workpaper references)

Other processing instructions:

_____ Return client data

Final release:

The return described above was signed and released by me after all pending items were cleared, all appropriate levels of review were signed off, and all processing steps completed.

Signature _____

Date _____

VEHICLE RELATED GUIDES

EMPLOYER POLICIES REGARDING USE OF COMPANY VEHICLES

Three policies have been included that may be provided to clients as examples. Policies 1 and 2 are optional for an employer. Policy 3 is required in some form by all employers providing company owned personal use vehicles. The policies should be reviewed to determine if there are conflicts with state or local laws.

EMPLOYEE REPRESENTATION REGARDING USE OF COMPANY VEHICLE AND WORKSHEET TO CALCULATE INCOME FROM PERSONAL USE OF COMPANY VEHICLE

The IRS requires the value of the personal use of employer provided vehicles to be included in the compensation of the employee if the employee does not reimburse the employer. Forms are included for the employer to collect the necessary data from the employee and calculate the value of the personal use.

WORKSHEET TO CALCULATE "INCLUSION AMOUNT" FOR LEASED VEHICLES

The IRS requires lessees of luxury cars to calculate an "inclusion amount" to be included in their gross income. This inclusion amount must be considered by taxpayers who have leased a vehicle for a term of 30 days or more. By means of the inclusion amount, the law attempts to limit the taxpayer's lease payment deductions to the amount that would have been deductible under the limited depreciation rules had the taxpayer purchased the car. Enclosed are various worksheets to calculate the amount includible in income by the lessee for vehicles leased after 1986. Select the appropriate worksheet based on the lease date of the vehicle.

SAMPLE AUTOMOBILE USAGE POLICIES

1. POLICY PROHIBITING ALL PERSONAL USE OF COMPANY VEHICLES

Management has adopted the following policy regarding personal use of Company owned vehicles:

Vehicles owned or leased by this Company are to be used solely for Company business. There shall be no personal use of the vehicles (including commuting to and from work). Individuals driving Company vehicles may have occasions where an incidental stop is necessary between business stops. Such use shall not be considered to be in violation of this policy.

The Company requires that vehicles not in use shall be parked in designated areas on the Company premises. No personal items are to be stored in the vehicles. Company materials and supplies are to be secured in the trunk, lock boxes or within the Company offices.

Keys are to be returned to _____ upon the close of business each day.

SAMPLE AUTOMOBILE USAGE POLICIES

2. POLICY PROHIBITING ALL PERSONAL USE OF COMPANY VEHICLES EXCEPT COMMUTING

Management has adopted the following policy regarding personal use of Company owned vehicles:

For business reasons, certain employees have been designated to drive a Company owned vehicle to and from their residence. This shall be the only authorized personal use of the vehicle. Individuals driving Company vehicles may have occasions where an incidental stop is necessary between business stops. Such use shall not be considered to be in violation of this policy.

The Company requires that no personal items other than incidentals be stored in the vehicle. The vehicle is to be locked each night with work articles stored either in the lock box or trunk during times when the vehicle is not in use.

The Company will compute a daily value for the commuting which will be included in the employee's W-2 at the end of the calendar year. Such amount will be the minimum allowed by federal income tax laws.

Note: Internal Revenue Service regulations require the Company to maintain evidence which would enable the IRS to determine whether use of the vehicle is in accordance with policy maintained by the Company.

SAMPLE AUTOMOBILE USAGE POLICIES

3. POLICY REGARDING CUT-OFF DATE TO CALCULATE THE VALUE OF PERSONAL USE OF COMPANY OWNED VEHICLES

Management has adopted the following policy regarding computation of the taxable value of the personal use of Company owned vehicles:

The personal use of Company vehicles will be computed for the twelve months ending _____ (October 31, November 30 or December 31).

Annually, the Company requires you to provide a complete accounting of the personal use of the vehicle as of _____. The taxable value of the personal use will be computed using the least costly method allowable by tax law.

This income will be considered paid as of _____ and federal, state (if appropriate) and Social Security/Medicare* withholding will be deducted from your _____ pay check. - **or**

The taxable value and related withholding amounts will be reflected on your W-2 at year-end.

Please address your questions to _____.

- * The company may elect to withhold only Social Security/Medicare. If so the paragraph should read as follows:

This income will be considered paid as of _____ and Social Security/Medicare withholding will be deducted from your _____ pay check.

**WORKSHEET TO CALCULATE INCOME
FROM PERSONAL USE OF COMPANY VEHICLE**

**EMPLOYER'S WORKSHEET TO CALCULATE EMPLOYEE'S TAXABLE
INCOME RESULTING FROM EMPLOYER-PROVIDED VEHICLE
FOR CALENDAR YEAR 1997**

EMPLOYEE: _____

DESCRIPTION OF VEHICLE: _____

DATE VEHICLE FIRST MADE AVAILABLE TO ANY EMPLOYEE: _____

DATE VEHICLE FIRST MADE AVAILABLE TO THIS EMPLOYEE: _____

Select one method (note limitations on methods II and III)

METHOD I - ANNUAL LEASE VALUE METHOD (For Autos Available 30 Days or More)

Fair market value of vehicle (to be redetermined at the
beginning of the fifth year and every four years thereafter).

\$ _____

Annual lease value, per attached chart

\$ _____ ⁽¹⁾

Enter number of days during the year that the vehicle was available

x _____

Divide by number of days in tax year

÷ _____

Prorated annual lease value

Personal use % (personal/total miles, per statement from employee)

x _____ %

Personal annual lease value

\$ _____

If fuel is provided by employer, enter personal miles _____ x _____ ⁽²⁾

+ _____

Personal use taxable income

\$ _____

⁽¹⁾For autos available for 7 days or less, multiply the annual lease value by 4. If the availability is more than 7 days, but less than 30, the taxpayer may elect to use the annual lease value without the 4 multiplier.

⁽²⁾If fuel is provided "in kind," the fair market value may be determined based on all facts and circumstances or, alternatively, at 5-1/2 cents per mile if auto usage is within the U.S. Canada, and Mexico. Generally, where fuel is purchased and charged to the employer, the actual cost or reimbursement should be used. If employers with a fleet of 20 or more vehicles, reimburse or allow employees to charge fuel cost, the fleet-average cents per mile may be used. If the fleet employer determines that actual cost or fleet average methods are unreasonable administrative burdens, the 5-1/2 cents per mile may be used.

WORKSHEET TO CALCULATE INCOME
FROM PERSONAL USE OF COMPANY VEHICLE

EMPLOYER'S WORKSHEET TO CALCULATE EMPLOYEE'S TAXABLE
INCOME RESULTING FROM EMPLOYER-PROVIDED VEHICLE FOR
CALENDAR YEAR 1997

METHOD II - STANDARD MILEAGE RATE METHOD

Generally, in order to qualify to use the cents-per-mile method, the vehicle must: (1) be expected to be regularly used in the employer's business throughout the calendar year, (2) be driven at least 10,000 miles per year, and (3) have a fair market value of \$14,600 or less. Once this method is adopted for a particular vehicle, it must be continued until the vehicle no longer qualifies.

Enter personal miles	_____ x \$0.315 =	\$ _____
If fuel is NOT provided by the employer enter personal miles	_____ x \$0.055 =	(_____)
Personal use taxable income		\$ <u> </u>

METHOD III - SPECIAL COMMUTING METHOD

This method may only be used for vehicles covered by a written policy that allows commuting but no other personal use. DO NOT USE if employee is a 1% or more owner, an officer with compensation of \$50,000 or more, or an individual with compensation equaling or exceeding \$100,000.

Number of commuting round trips made	_____
Value per round trip	x <u> \$ 3.00 </u>
Personal use taxable income	\$ <u> </u>

WORKSHEET TO CALCULATE INCOME
FROM PERSONAL USE OF COMPANY VEHICLE

ANNUAL LEASE VALUE TABLE

<u>AUTOMOBILE</u> <u>FAIR MARKET</u> <u>VALUE</u>	<u>ANNUAL</u> <u>LEASE</u> <u>VALUE</u>	<u>AUTOMOBILE</u> <u>FAIR MARKET</u> <u>VALUE</u>	<u>ANNUAL</u> <u>LEASE</u> <u>VALUE</u>
\$ 0- 999	600	22,000-22,999	6,100
1,000- 1,999	850	23,000-23,999	6,350
2,000- 2,999	1,100	24,000-24,999	6,600
3,000- 3,999	1,350	25,000-25,999	6,850
4,000- 4,999	1,600	26,000-27,999	7,250
5,000- 5,999	1,850	28,000-29,999	7,750
6,000- 6,999	2,100	30,000-31,999	8,250
7,000- 7,999	2,350	32,000-33,999	8,750
8,000- 8,999	2,600	34,000-35,999	9,250
9,000- 9,999	2,850	36,000-37,999	9,750
10,000-10,999	3,100	38,000-39,999	10,250
11,000-11,999	3,350	40,000-41,999	10,750
12,000-12,999	3,600	42,000-43,999	11,250
13,000-13,999	3,850	44,000-45,999	11,750
14,000-14,999	4,100	46,000-47,999	12,250
15,000-15,999	4,350	48,000-49,999	12,750
16,000-16,999	4,600	50,000-51,999	13,250
17,000-17,999	4,850	52,000-53,999	13,750
18,000-18,999	5,100	54,000-55,999	14,250
19,000-19,999	5,350	56,000-57,999	14,750
20,000-20,999	5,600	58,000-59,999	15,250
21,000-21,999	5,850		

For vehicles having a fair market value in excess of \$59,999, the Annual Lease Value is equal to:
 (.25 x automobile fair market value) + \$500.

LEASED VEHICLES
WORKSHEET TO CALCULATE INCLUSION AMOUNT

Description of vehicle: _____

Date of lease: _____

Lease term: _____

Fair market value of vehicle at inception of lease: _____

Dollar amount per attached tables. (Select the appropriate table based on the inception date of the lease.) \$ _____⁽¹⁾

Enter number of days during the year that the vehicle was leased. X _____

Divide by number of days in tax year. ÷ _____

Prorated dollar amount. \$ _____

Business use % (business/total miles). X _____ %⁽²⁾

Prorated inclusion amount. \$ _____

⁽¹⁾The dollar amount for the preceding year is used for the last tax year of the lease.

⁽²⁾Use 100% if all expenses are deducted by the employer and the personal use value is added to the employee's income.

**Worksheet to Calculate "Inclusion Amount" for Leased Vehicles
Dollar Amounts for Automobiles with a Lease Term Beginning
in Calendar Year 1992**

Fair Market Value of Automobile		Tax Year During Lease *				
Over	Not Over	1st	2nd	3rd	4th	5th and Later
13700	14000	0	2	2	2	4
14000	14300	3	7	10	13	15
14300	14600	5	13	18	23	26
14600	14900	8	18	27	32	38
14900	15200	11	23	35	43	49
15200	15500	13	29	44	52	61
15500	15800	16	35	51	62	72
15800	16100	18	40	60	72	84
16100	16400	21	46	68	82	95
16400	16700	23	52	76	92	106
16700	17000	26	57	84	102	118
17000	17500	29	65	95	115	133
17500	18000	33	74	109	132	152
18000	18500	38	83	123	148	171
18500	19000	42	92	137	164	190
19000	19500	46	102	150	181	209
19500	20000	50	111	164	198	228
20000	20500	55	120	178	214	247
20500	21000	59	129	192	230	267
21000	21500	63	139	205	247	285
21500	22000	67	148	219	263	305
22000	23000	74	162	239	288	333
23000	24000	82	180	268	321	371
24000	25000	90	199	295	354	409
25000	26000	99	217	323	387	447
26000	27000	107	236	350	420	485
27000	28000	116	254	378	453	523
28000	29000	124	273	405	486	561
29000	30000	133	291	433	518	600
30000	31000	141	310	460	552	637
31000	32000	150	328	488	584	676
32000	33000	158	347	515	618	713
33000	34000	167	365	543	650	752
34000	35000	175	384	570	684	789
35000	36000	184	402	598	716	828
36000	37000	192	421	625	750	865
37000	38000	200	440	652	783	904
38000	39000	209	458	680	816	942
39000	40000	217	477	707	849	980
40000	41000	226	495	735	882	1018
41000	42000	234	514	762	915	1056
42000	43000	243	532	790	948	1094
43000	44000	251	551	817	981	1132
44000	45000	260	569	845	1013	1171

*For the last tax year of the lease, use the dollar amount for the preceding year.

Fair Market Value of Automobile		Tax Year During Lease *				
Over	Not Over	1st	2nd	3rd	4th	5th and Later
45000	46000	268	588	872	1047	1208
46000	47000	277	606	900	1079	1247
47000	48000	285	625	927	1113	1284
48000	49000	293	644	955	1145	1323
49000	50000	302	662	982	1179	1360
50000	51000	310	681	1010	1211	1399
51000	52000	319	699	1037	1245	1436
52000	53000	327	718	1065	1277	1475
53000	54000	336	736	1092	1311	1513
54000	55000	344	755	1120	1343	1551
55000	56000	353	773	1147	1377	1589
56000	57000	361	792	1175	1409	1627
57000	58000	370	810	1202	1442	1666
58000	59000	378	829	1230	1475	1703
59000	60000	386	848	1257	1508	1741
60000	62000	399	875	1299	1557	1799
62000	64000	416	912	1354	1623	1875
64000	66000	433	949	1409	1689	1951
66000	68000	450	987	1463	1755	2027
68000	70000	467	1024	1518	1821	2103
70000	72000	484	1061	1573	1887	2179
72000	74000	501	1098	1628	1953	2255
74000	76000	518	1135	1683	2019	2331
76000	78000	535	1172	1738	2085	2407
78000	80000	551	1209	1794	2150	2484
80000	85000	581	1274	1889	2267	2617
85000	90000	623	1367	2027	2431	2807
90000	95000	666	1459	2165	2595	2998
95000	100000	708	1552	2302	2761	3188
100000	110000	771	1691	2508	3008	3474
110000	120000	856	1876	2783	3338	3854
120000	130000	940	2062	3058	3668	4234
130000	140000	1025	2247	3333	3997	4616
140000	150000	1110	2432	3608	4327	4996
150000	160000	1194	2618	3883	4656	5377
160000	170000	1279	2803	4158	4986	5758
170000	180000	1363	2988	4434	5316	6138
180000	190000	1448	3174	4708	5645	6519
190000	200000	1532	3359	4983	5976	6899
200000	210000	1617	3544	5258	6305	7280
210000	220000	1702	3729	5533	6635	7661
220000	230000	1786	3915	5808	6965	8041
230000	240000	1871	4100	6083	7294	8422
240000	250000	1955	4286	6358	7624	8802

**Worksheet to Calculate "Inclusion Amount" for Leased Vehicles
Dollar Amounts for Automobiles with a Lease Term Beginning
in Calendar Year 1993**

Fair Market Value of Automobile		Tax Year During Lease *				
		1st	2nd	3rd	4th	5th and Later
Over	Not Over					
14300	14600	1	1	2	2	3
14600	14900	3	5	7	9	9
14900	15200	4	9	13	15	17
15200	15500	6	13	18	22	25
15500	15800	8	16	24	29	32
15800	16100	9	20	30	35	40
16100	16400	11	24	35	42	48
16400	16700	13	27	41	49	55
16700	17000	14	32	46	55	63
17000	17500	17	36	54	64	73
17500	18000	20	42	63	75	87
18000	18500	22	49	72	86	99
18500	19000	25	55	82	97	112
19000	19500	28	61	91	108	125
19500	20000	31	67	100	120	137
20000	20500	34	74	109	130	150
20500	21000	37	80	118	142	163
21000	21500	39	86	128	153	175
21500	22000	42	92	138	163	189
22000	23000	47	101	151	181	207
23000	24000	52	114	170	202	233
24000	25000	58	127	187	225	259
25000	26000	64	139	206	247	285
26000	27000	69	152	224	270	310
27000	28000	75	164	243	292	335
28000	29000	81	176	262	313	362
29000	30000	86	189	280	336	387
30000	31000	92	201	299	358	412
31000	32000	98	214	317	380	438
32000	33000	103	226	336	402	464
33000	34000	109	239	354	424	490
34000	35000	115	251	373	446	515
35000	36000	120	264	391	469	540
36000	37000	126	276	410	491	566
37000	38000	132	288	429	513	591
38000	39000	137	301	447	535	617
39000	40000	143	314	465	557	643
40000	41000	149	326	484	579	669
41000	42000	154	339	502	601	695
42000	43000	160	351	521	623	720
43000	44000	166	363	539	646	746
44000	45000	171	376	558	668	771
45000	46000	177	388	577	690	796

*For the last tax year of the lease, use the dollar amount for the preceding year.

Fair Market Value of Automobile		Tax Year During Lease *				
		1st	2nd	3rd	4th	5th and Later
Over	Not Over					
46000	47000	183	401	594	713	822
47000	48000	189	413	613	735	847
48000	49000	194	426	631	757	874
49000	50000	200	438	650	779	899
50000	51000	206	450	669	801	925
51000	52000	211	463	687	824	950
52000	53000	217	475	706	846	975
53000	54000	223	488	724	867	1002
54000	55000	228	501	742	890	1027
55000	56000	234	513	761	912	1052
56000	57000	240	525	780	934	1078
57000	58000	245	538	798	956	1104
58000	59000	251	550	817	978	1130
59000	60000	257	563	835	1000	1155
60000	62000	265	581	863	1034	1194
62000	64000	277	606	900	1078	1245
64000	66000	288	631	937	1123	1295
66000	68000	299	656	974	1167	1347
68000	70000	311	681	1011	1211	1398
70000	72000	322	706	1048	1255	1450
72000	74000	333	731	1085	1300	1500
74000	76000	345	756	1121	1345	1551
76000	78000	356	781	1158	1389	1603
78000	80000	367	806	1195	1434	1654
80000	85000	387	849	1261	1510	1744
85000	90000	416	911	1353	1622	1871
90000	95000	444	974	1445	1733	1999
95000	100000	472	1036	1538	1843	2128
100000	110000	515	1130	1676	2010	2319
110000	120000	572	1254	1861	2232	2575
120000	130000	629	1379	2046	2453	2831
130000	140000	685	1504	2231	2674	3088
140000	150000	742	1628	2416	2896	3344
150000	160000	799	1753	2600	3119	3599
160000	170000	856	1877	2786	3340	3855
170000	180000	912	2002	2971	3561	4112
180000	190000	969	2127	3155	3783	4368
190000	200000	1026	2251	3340	4006	4623
200000	210000	1083	2376	3525	4227	4879
210000	220000	1140	2500	3710	4449	5135
220000	230000	1196	2625	3895	4670	5392
230000	240000	1253	2749	4081	4892	5647
240000	250000	1310	2874	4265	5114	5903

**Worksheet to Calculate "Inclusion Amount" for Leased Vehicles
Dollar Amounts for Automobiles with a Lease Term Beginning
in Calendar Year 1994**

Fair Market Value of Automobile		Tax Year During Lease *				
Over	Not Over	1st	2nd	3rd	4th	5th and Later
14600	14900	0	1	1	2	2
14900	15200	2	5	6	9	11
15200	15500	4	9	14	17	20
15500	15800	6	14	21	25	30
15800	16100	8	19	27	34	39
16100	16400	10	24	34	42	49
16400	16700	12	28	41	51	58
16700	17000	14	33	48	59	68
17000	17500	17	39	57	70	81
17500	18000	21	47	68	84	97
18000	18500	24	55	80	97	113
18500	19000	28	62	92	111	129
19000	19500	31	70	104	124	145
19500	20000	35	78	115	138	161
20000	20500	39	85	127	152	176
20500	21000	42	93	138	166	193
21000	21500	46	101	149	180	208
21500	22000	49	109	161	193	225
22000	23000	54	121	178	214	248
23000	24000	62	136	201	242	280
24000	25000	69	151	224	270	312
25000	26000	76	167	247	297	344
26000	27000	83	182	270	325	376
27000	28000	90	198	293	352	408
28000	29000	97	213	317	379	440
29000	30000	104	229	339	408	471
30000	31000	111	244	363	435	503
31000	32000	118	260	385	463	535
32000	33000	125	276	408	490	567
33000	34000	132	291	431	518	599
34000	35000	139	307	454	545	631
35000	36000	146	322	478	573	662
36000	37000	153	338	500	601	694
37000	38000	161	353	523	628	726
38000	39000	168	368	547	656	757
39000	40000	175	384	569	684	790
40000	41000	182	399	593	711	822
41000	42000	189	415	615	739	854
42000	43000	196	431	638	766	886
43000	44000	203	446	661	794	918
44000	45000	210	462	684	821	950
45000	46000	217	477	708	849	981
46000	47000	224	493	730	877	1013

*For the last tax year of the lease, use the dollar amount for the preceding year.

Fair Market Value of Automobile		Tax Year During Lease *				
Over	Not Over	1st	2nd	3rd	4th	5th and Later
47000	48000	231	508	754	904	1045
48000	49000	238	524	776	932	1077
49000	50000	245	539	800	959	1109
50000	51000	252	555	822	987	1141
51000	52000	260	570	845	1015	1172
52000	53000	267	585	869	1042	1204
53000	54000	274	601	892	1069	1236
54000	55000	281	617	914	1097	1268
55000	56000	288	632	938	1125	1299
56000	57000	295	648	960	1153	1331
57000	58000	302	663	984	1180	1363
58000	59000	309	679	1006	1208	1395
59000	60000	316	694	1030	1235	1427
60000	61000	327	717	1065	1276	1475
62000	64000	341	748	1111	1332	1538
64000	66000	355	780	1156	1387	1602
66000	68000	369	811	1202	1442	1666
68000	70000	383	842	1248	1497	1730
70000	72000	397	873	1294	1553	1793
72000	74000	412	903	1341	1608	1857
74000	76000	428	935	1386	1663	1921
76000	78000	440	966	1432	1718	1985
78000	80000	454	997	1478	1774	2048
80000	85000	479	1051	1559	1870	2160
85000	90000	514	1129	1674	2008	2319
90000	95000	550	1206	1789	2146	2478
95000	100000	585	1284	1904	2284	2637
100000	110000	638	1400	2077	2491	2876
110000	120000	709	1555	2307	2767	3195
120000	130000	779	1710	2537	3043	3514
130000	140000	850	1865	2767	3319	3833
140000	150000	921	2020	2997	3595	4151
150000	160000	992	2175	3228	3870	4470
160000	170000	1062	2331	3457	4147	4788
170000	180000	1133	2486	3687	4423	5107
180000	190000	1204	2641	3917	4699	5425
190000	200000	1274	2796	4148	4974	5745
200000	210000	1345	2951	4378	5250	6063
210000	220000	1416	3106	4608	5527	6381
220000	230000	1487	3261	4838	5803	6699
230000	240000	1557	3416	5069	6078	7019
240000	250000	1628	3571	5299	6354	7337

Worksheet to Calculate "Inclusion Amount" for Leased Vehicles
Dollar Amounts for Automobiles with a Lease Term Beginning
in Calendar Year 1995

Fair Market Value of Automobile		Tax Year During Lease *				
Over	Not Over	1st	2nd	3rd	4th	5th and Later
\$15,500	\$15,800	4	8	11	13	14
15,800	16,100	7	15	21	25	28
16,100	16,400	10	22	31	37	43
16,400	16,700	13	28	42	50	56
16,700	17,000	16	35	52	62	71
17,000	17,500	20	45	65	78	89
17,500	18,000	26	56	82	98	113
18,000	18,500	31	67	99	119	136
18,500	19,000	36	79	116	139	159
19,000	19,500	41	90	133	159	184
19,500	20,000	46	102	150	179	207
20,000	20,500	52	113	167	200	230
20,500	21,000	57	124	184	220	254
21,000	21,500	62	136	201	240	277
21,500	22,000	67	147	218	261	301
22,000	23,000	75	164	244	291	336
23,000	24,000	86	187	277	332	383
24,000	25,000	96	210	311	373	429
25,000	26,000	106	233	345	413	477
26,000	27,000	117	256	378	454	524
27,000	28,000	127	279	412	495	570
28,000	29,000	138	301	447	535	617
29,000	30,000	148	324	481	575	665
30,000	31,000	159	347	514	616	711
31,000	32,000	169	370	548	657	758
32,000	33,000	179	393	582	698	804
33,000	34,000	190	416	616	738	851
34,000	35,000	200	439	650	778	899
35,000	36,000	211	461	684	819	946
36,000	37,000	221	484	718	860	992
37,000	38,000	232	507	751	901	1039
38,000	39,000	242	530	785	942	1086
39,000	40,000	253	552	820	982	1133
40,000	41,000	263	576	853	1022	1180
41,000	42,000	273	599	887	1063	1227
42,000	43,000	284	621	921	1104	1274
43,000	44,000	294	644	955	1145	1320
44,000	45,000	305	667	989	1185	1367
45,000	46,000	315	690	1022	1226	1415
46,000	47,000	326	712	1057	1266	1462
47,000	48,000	336	735	1091	1307	1508

*For the last tax year of the lease, use the dollar amount for the preceding year.

Fair Market Value of Automobile		Tax Year During Lease *				
Over	Not Over	1st	2nd	3rd	4th	5th and Later
48,000	49,000	346	759	1,124	1,347	1,556
49,000	50,000	357	781	1,158	1,388	1,603
50,000	51,000	367	804	1,192	1,429	1,649
51,000	52,000	378	827	1,226	1,469	1,696
52,000	53,000	388	850	1,260	1,510	1,743
53,000	54,000	399	872	1,294	1,551	1,790
54,000	55,000	409	895	1,328	1,591	1,837
55,000	56,000	419	919	1,361	1,632	1,884
56,000	57,000	430	941	1,395	1,673	1,931
57,000	58,000	440	964	1,429	1,714	1,977
58,000	59,000	451	987	1,463	1,754	2,024
59,000	60,000	461	1,010	1,497	1,794	2,072
60,000	62,000	477	1,044	1,548	1,855	2,142
62,000	64,000	498	1,089	1,616	1,937	2,235
64,000	66,000	519	1,135	1,683	2,018	2,330
66,000	68,000	539	1,181	1,751	2,100	2,423
68,000	70,000	560	1,227	1,819	2,180	2,517
70,000	72,000	581	1,272	1,887	2,262	2,611
72,000	74,000	602	1,318	1,955	2,343	2,704
74,000	76,000	623	1,364	2,022	2,424	2,799
76,000	78,000	644	1,409	2,090	2,506	2,892
78,000	80,000	665	1,455	2,158	2,586	2,986
80,000	85,000	701	1,535	2,277	2,729	3,150
85,000	90,000	753	1,650	2,445	2,932	3,385
90,000	95,000	806	1,763	2,616	3,135	3,619
95,000	100,000	858	1,878	2,784	3,339	3,853
100,000	110,000	936	2,049	3,039	3,643	4,206
110,000	120,000	1,040	2,278	3,377	4,050	4,674
120,000	130,000	1,145	2,506	3,716	4,456	5,144
130,000	140,000	1,249	2,735	4,055	4,862	5,613
140,000	150,000	1,353	2,963	4,394	5,269	6,082
150,000	160,000	1,458	3,191	4,733	5,675	6,551
160,000	170,000	1,562	3,420	5,072	6,081	7,020
170,000	180,000	1,666	3,649	5,410	6,488	7,489
180,000	190,000	1,771	3,877	5,749	6,894	7,958
190,000	200,000	1,875	4,105	6,089	7,300	8,427
200,000	210,000	1,979	4,334	6,427	7,706	8,897
210,000	220,000	2,084	4,562	6,766	8,113	9,365
220,000	230,000	2,188	4,791	7,105	8,518	9,835
230,000	240,000	2,292	5,019	7,444	8,925	10,304
240,000	250,000	2,397	5,247	7,783	9,332	10,772

**Worksheet to Calculate "Inclusion Amount" for Leased Vehicles
Dollar Amounts for Automobiles with a Lease Term Beginning
in Calendar Year 1996**

Fair Market Value of Automobile		Tax Year During Lease *				
Over	Not Over	1st	2nd	3rd	4th	5th and Later
\$15,500	\$15,800	3	6	8	10	10
15,800	16,100	5	11	16	19	21
16,100	16,400	7	16	24	27	32
16,400	16,700	10	21	31	37	42
16,700	17,000	12	26	39	46	53
17,000	17,500	15	33	49	58	67
17,500	18,000	19	42	61	73	84
18,000	18,500	23	50	74	88	102
18,500	19,000	27	59	86	104	119
19,000	19,500	31	67	99	119	136
19,500	20,000	35	75	112	134	154
20,000	20,500	38	84	125	149	171
20,500	21,000	42	93	137	164	189
21,000	21,500	46	101	150	179	207
21,500	22,000	50	110	162	194	225
22,000	23,000	56	122	182	217	250
23,000	24,000	64	139	207	247	286
24,000	25,000	71	157	232	277	320
25,000	26,000	79	174	257	308	355
26,000	27,000	87	191	282	338	390
27,000	28,000	95	207	308	369	425
28,000	29,000	103	224	333	399	460
29,000	30,000	110	242	358	429	495
30,000	31,000	118	259	383	459	531
31,000	32,000	126	276	408	490	565
32,000	33,000	134	293	433	520	600
33,000	34,000	141	310	459	550	635
34,000	35,000	149	327	484	581	670
35,000	36,000	157	344	509	611	705
36,000	37,000	165	361	535	641	740
37,000	38,000	172	378	560	672	775
38,000	39,000	180	395	585	702	810
39,000	40,000	188	412	611	732	844
40,000	41,000	196	429	636	762	880
41,000	42,000	203	446	661	793	915
42,000	43,000	211	463	687	822	950
43,000	44,000	219	480	712	853	985
44,000	45,000	227	497	737	883	1020
45,000	46,000	235	514	762	914	1054
46,000	47,000	242	531	788	944	1089
47,000	48,000	250	548	813	974	1125

*For the last tax year of the lease, use the dollar amount for the preceding year.

Fair Market Value of Automobile		Tax Year During Lease *				
Over	Not Over	1st	2nd	3rd	4th	5th and Later
48,000	49,000	258	565	838	1,005	1,159
49,000	50,000	266	582	863	1,035	1,195
50,000	51,000	273	599	889	1,065	1,230
51,000	52,000	281	616	914	1,096	1,264
52,000	53,000	289	633	939	1,126	1,299
53,000	54,000	297	650	964	1,157	1,334
54,000	55,000	304	668	989	1,186	1,370
55,000	56,000	312	684	1,015	1,217	1,404
56,000	57,000	320	701	1,040	1,247	1,440
57,000	58,000	328	718	1,066	1,277	1,474
58,000	59,000	336	735	1,091	1,307	1,509
59,000	60,000	343	753	1,115	1,338	1,544
60,000	62,000	355	778	1,154	1,383	1,597
62,000	64,000	370	812	1,205	1,443	1,667
64,000	66,000	386	846	1,255	1,504	1,737
66,000	68,000	402	880	1,305	1,565	1,807
68,000	70,000	417	914	1,356	1,626	1,876
70,000	72,000	433	948	1,406	1,686	1,947
72,000	74,000	448	982	1,457	1,747	2,016
74,000	76,000	464	1,016	1,508	1,807	2,086
76,000	78,000	479	1,050	1,558	1,868	2,156
78,000	80,000	495	1,084	1,609	1,928	2,226
80,000	85,000	522	1,144	1,697	2,034	2,349
85,000	90,000	561	1,229	1,823	2,186	2,523
90,000	95,000	600	1,314	1,950	2,337	2,698
95,000	100,000	638	1,400	2,075	2,489	2,873
100,000	110,000	697	1,527	2,265	2,716	3,135
110,000	120,000	774	1,697	2,518	3,019	3,485
120,000	130,000	852	1,868	2,770	3,322	3,834
130,000	140,000	930	2,038	3,023	3,624	4,185
140,000	150,000	1,007	2,208	3,276	3,927	4,534
150,000	160,000	1,085	2,378	3,529	4,230	4,884
160,000	170,000	1,163	2,548	3,781	4,533	5,234
170,000	180,000	1,240	2,719	4,033	4,837	5,583
180,000	190,000	1,318	2,889	4,286	5,139	5,933
190,000	200,000	1,396	3,059	4,539	5,442	6,282
200,000	210,000	1,473	3,230	4,791	5,745	6,632
210,000	220,000	1,551	3,400	5,044	6,047	6,982
220,000	230,000	1,629	3,570	5,296	6,351	7,332
230,000	240,000	1,706	3,740	5,550	6,653	7,681
240,000	250,000	1,784	3,911	5,801	6,956	8,032

**Worksheet to Calculate "Inclusion Amount" for Leased Vehicles
Dollar Amounts for Automobiles with a Lease Term Beginning
in Calendar Year 1997**

Fair Market Value of Automobile		Tax Year During Lease *				
Over	Not Over	1st	2nd	3rd	4th	5th and Later
15,800	16,100	1	5	5	8	10
16,100	16,400	4	10	13	18	21
16,400	16,700	6	15	22	27	32
16,700	17,000	9	20	30	36	44
17,000	17,500	12	28	40	49	58
17,500	18,000	16	37	53	65	77
18,000	18,500	20	46	66	82	95
18,500	19,000	24	55	80	97	114
19,000	19,500	28	64	93	113	132
19,500	20,000	32	73	106	129	151
20,000	20,500	36	82	120	145	169
20,500	21,000	40	91	133	161	187
21,000	21,500	45	99	147	177	205
21,500	22,000	49	108	160	193	224
22,000	23,000	55	122	180	216	252
23,000	24,000	63	140	206	249	288
24,000	25,000	71	158	233	280	326
25,000	26,000	79	176	259	313	362
26,000	27,000	88	193	287	344	399
27,000	28,000	96	211	313	377	435
28,000	29,000	104	229	340	408	473
29,000	30,000	112	247	366	441	509
30,000	31,000	120	265	393	472	546
31,000	32,000	128	283	420	504	583
32,000	33,000	137	301	446	536	620
33,000	34,000	145	319	472	568	657
34,000	35,000	153	337	499	600	693
35,000	36,000	161	355	526	631	731
36,000	37,000	169	373	552	664	767
37,000	38,000	178	391	578	696	804
38,000	39,000	186	409	605	727	841
39,000	40,000	194	427	632	759	878
40,000	41,000	202	445	658	791	915
41,000	42,000	210	463	685	823	951
42,000	43,000	218	481	712	854	989
43,000	44,000	227	498	739	886	1026
44,000	45,000	235	516	765	919	1062
45,000	46,000	243	534	792	951	1098
46,000	47,000	251	552	819	982	1136
47,000	48,000	259	570	845	1015	1172
48,000	49,000	268	588	871	1047	1209

* For the last tax year of the lease, use the dollar amount for the preceding year

Fair Market Value of Automobile		Tax Year During Lease *				
Over	Not Over	1st	2nd	3rd	4th	5th and Later
49,000	50,000	276	606	898	1078	1246
50,000	51,000	284	624	925	1110	1282
51,000	52,000	292	642	951	1142	1320
52,000	53,000	300	660	978	1174	1356
53,000	54,000	308	678	1004	1206	1394
54,000	55,000	317	695	1032	1237	1430
55,000	56,000	325	713	1058	1270	1467
56,000	57,000	333	732	1084	1301	1504
57,000	58,000	341	750	1110	1334	1540
58,000	59,000	349	768	1137	1365	1578
59,000	60,000	358	785	1164	1397	1615
60,000	62,000	370	812	1204	1445	1670
62,000	64,000	386	848	1257	1509	1743
64,000	66,000	403	884	1310	1573	1817
66,000	68,000	419	920	1363	1637	1890
68,000	70,000	435	956	1417	1700	1964
70,000	72,000	452	991	1470	1764	2038
72,000	74,000	468	1027	1524	1827	2112
74,000	76,000	484	1063	1577	1891	2186
76,000	78,000	501	1099	1630	1955	2259
78,000	80,000	517	1135	1683	2019	2333
80,000	85,000	546	1198	1776	2130	2462
85,000	90,000	587	1287	1909	2291	2645
90,000	95,000	627	1377	2042	2450	2830
95,000	100,000	668	1467	2175	2609	3014
100,000	110,000	730	1601	2375	2848	3290
110,000	120,000	812	1780	2641	3167	3659
120,000	130,000	893	1960	2907	3486	4027
130,000	140,000	975	2139	3173	3805	4395
140,000	150,000	1057	2318	3439	4125	4763
150,000	160,000	1139	2498	3704	4444	5131
160,000	170,000	1221	2677	3971	4762	5500
170,000	180,000	1302	2857	4236	5082	5868
180,000	190,000	1384	3036	4503	5400	6237
190,000	200,000	1466	3215	4769	5719	6605
200,000	210,000	1548	3394	5035	6039	6973
210,000	220,000	1630	3574	5300	6358	7341
220,000	230,000	1712	3753	5567	6676	7710
230,000	240,000	1793	3932	5833	6996	8078
240,000	250,000	1875	4112	6099	7314	8446

Comparison of Business Entities

Applicable Factor	C Corporation	S Corporation	Sole Proprietor	Partnership/Limited Liability Partnership	Limited Liability Company
I. Formation					
A. Method	Articles of Incorporation	Articles of Incorporation	None	Partnership agreement	Articles of Organization filed in state recognizing LLCs
B. Owner eligibility					
1. Number of Owners	No limit	75	One	Two or more for limited partnership; one or more general and one or more limited for general partnership	No limit
2. Type of Owners	No limitation	Individuals and certain trusts (Note change beginning 1997)	Individual	No limitation	No limitation
3. Affiliate Limits	No limitation	Can own up to 100% of the stock of a C corporation and own 100% of the stock of a qualified sub-s subsidiary.	No limitation	No limitation	No limitation
C. Capital Structure					
1. Equity	No limitations (multiple classes permitted)	Only one class of stock	No stock	No limitations (multiple classes)	No limitations
2. Debt	No specific limits on debts/equity ratio	Safe-harbor for debt	No specific limits	No specific limits	No specific limits
D. Status Determination					
1. Election by Entity	No election requirements	Required election	No election requirements	No election requirement but state law filing	No election requirement
2. Owner Consents	None required	Consent required	None required	None required	None required
E. Liability	Limited to shareholder's capital contributions	Limited to shareholder's contribution	Unlimited	General partners jointly and severally liable. Limited partners are generally limited to capital contributions.	Limited to member's capital contributions.
II. Operational Phase					
A. Tax Year	Any year permitted (limit for personal service corporation)	Generally calendar year	Calendar year	Generally calendar year	Generally calendar year
B. Tax on Income	Corporate level	Owner level except QSST, where paid by beneficiary.	Individual level	Owner level	Member level
C. Election	Corporate level	Corporate level	Individual level	Partnership level	Corporate level
D. Allocation of Income/Deductions	Not permitted (except through multiple equity structure)	Not permitted (except through debt/equity structure)	N/A	Permitted if substantial economic effect	Permitted if substantial economic effect
E. Character of Income/Deductions	No flow-through to shareholders	Flow-through to shareholders	Flow-through to individual	Flow-through to partners	Flow-through to members
F. Net Operating Losses	No flow-through to shareholders	Flow-through to shareholders (limited to basis)	Flow-through to individual	Flow-through to partners (limited to basis)	Flow-through to members (limited to basis)
G. Net Capital Losses	No flow-through, but five year carryforward	Flow-through to shareholders	Flow-through to individual	Flow-through to partners	Flow-through to members
H. Effect of Statutory Limitations	Imposed at corporate level	Imposed at shareholder level	Imposed at individual level	Imposed at partner level	Imposed at member level
III. Compensations Arrangements					
1. Fringe Benefits	Shareholder-officers qualify for benefits	Shareholder-officers qualify for benefits (limits apply to health insurance premiums)	Generally subject to limits applicable to individuals	Limited participation for partners	Limited participation for members
2. Retirement Benefits	Shareholder-officers included in qualified plans	Certain limits on shareholder-officers	Generally subject to limits applicable to individuals	Certain limits applicable to partners	Certain limits applicable to members

Applicable Factor	C Corporation	S Corporation	Sole Proprietor	Partnership/Limited Liability Partnership	Limited Liability Company
3. Reasonable Compensation Limits	Applicable to shareholder-officers	Applicable to shareholder-officers	N/A	Applicable where capital is a material factor	Applicable where capital is a material factor
IV. <u>Transactions with Owners</u>					
A. Distributions of Cash	Dividends to extent of earnings and profits	Dividends, generally no effect until previously taxed income fully recovered (beware transition rules for former C corps)	No effect	No effect except in calculation of basis	No effect except in calculation of basis
B. Distribution of Property	Dividend treatment; gain recognition to entity	Gain recognition to entity	No effect	No gain or loss to entity	No gain or loss to entity
C. Purchase of Owner's Interest					
1. Partial Interest	Probable dividend treatment	Tax-free, but gain for proceeds in excess of basis	Treated as sale of each asset	Capital gain treatment, except ordinary income for ordinary income assets.	Capital gain treatment, except ordinary income for ordinary income assets.
2. Entire Interest	Capital gain treatment with exceptions	Capital gain treatment after basis recovered	Cannot sell entity interest; sale of business is viewed as a sale of each asset	Capital gain treatment, except ordinary income for ordinary income assets and certain § 736 payments	Capital gain treatment except ordinary income for ordinary income assets and certain § 736 payments
D. Property Sales to Entity by Owner	Possible dividend treatment or contributions to capital	Any excess value treated as distribution or contribution	N/A	Any excess value treated as distribution or contribution	Any excess value treated as distribution or contribution
E. Property Sales to Owner by Entity	Possible dividend treatment or contributions to capital	Any excess value treated as distribution or contribution	N/A	Any excess value treated as distribution or contribution	Any excess value treated as distribution or contribution
V. <u>Termination of Entity or Owner Interest</u>					
A. Sale of Interest by Owner to Third Person	Capital gain; no effect on basis of corporation's assets	Capital gain; no effect on basis of corporation's assets	Cannot sell entity interest; sale of business is viewed as a sale of each asset	Capital gain subject to § 751 ordinary income categorization	Capital gain subject to § 751 ordinary income categorization
B. Death of Owner	Estate continues as shareholder; FMV at date of death is basis for shares; no effect on basis of corporation's assets	Estate continues as shareholder; FMV at date of death is basis for shares; no effect on basis of corporation's assets	Estate takes over business	Estate as partner subject to agreement, FMV at date of death basis for interest	Estate as member subject to agreement, FMV at date of death is basis for interest
C. Liquidation Distributions					
1. Effect to Distributor	Gain recognition if appreciated property distributed	Gain recognition if appreciated property distributed	N/A	No gain recognition on asset distributions	No gain recognition on asset distributions
2. Effect to Recipient	Capital gain on excess value received over basis	Capital gain on excess value received over basis	N/A	Substituted basis in assets equal to basis in partnership interest	Substituted basis in assets equal to basis in LLC interest
D. Reorganizations	Tax-free to shareholders if qualifying under reorganization provisions (§ 354 and § 368)	Tax-free to shareholders if qualifying under reorganization provisions (§ 354 and § 368)	N/A	No taxability on merger of partnership	No taxability on merger of LLC
E. Carryover of Tax Attributes	Carryover of tax attributes to successor entity if tax-free reorganization	Carryover of tax attributes to successor entity if tax-free reorganization	N/A		

USE OF THE S CORPORATION SHAREHOLDER BASIS SCHEDULE

The shareholder basis schedule is a tool to assist the tax practitioner in determining a shareholder's basis in his/her shares in any given year. Two versions are provided, a short version and a long version. The practitioner should select whichever best suits the situation. Please be aware that K-1 line #/descriptions are subject to change from year to year.

Basis will determine how much loss a shareholder can recognize on his or her individual return. Losses can be used to the extent of basis in capital as well as basis in loans from the shareholder to the corporation. Capital basis should be monitored when anticipating a loss pass-through to the shareholder and when distributions are planned. Generally, distributions will be nontaxable to the shareholders up to their individual capital basis unless the corporation has earnings and profits from either operating as a C corporation, operating as an S corporation prior to 1983, or from a merger with another corporation that had earnings and profits. If the capital basis and earnings and profits are exhausted, distributions become taxable as capital gain distributions.

Loan basis is important not only because of its impact on loss passthrough, but because repayments of shareholder loans can, and often do, produce taxable income to the shareholder. The IRS' position is that income from loan repayment is calculated on a ratio of loan basis to book value at the time of loan repayment. Basis in loans is rebuilt by income recognized by the shareholder. This is only for losses that reduced loan basis during taxable years beginning after December 31, 1982.

NOTE--These basis schedules assume an election has been made to decrease basis by the ordinary loss or other item of loss or deduction and depletion before decrease by nondeductible noncapital expenses. When the election is made, final regulations require nondeductible expenses and depletion in excess of basis to be carried forward and reduce basis in succeeding taxable years.

NOTE--SBJPA 1996 requires the stepped up basis in the stock in an S corporation acquired from a decedent to be reduced by the extent to which the value of the stock is attributable to items consisting of IRD. This basis rule is comparable to the present-law partnership rule. This provision applies with respect to decedents dying after August 21, 1996.

S CORPORATION SHAREHOLDER BASIS SCHEDULE
SHORT VERSION

Shareholder Name _____ Year Ended _____
 Corporation Name _____
 # Shares at Year End _____ Ownership Percentage _____

	<u>STOCK</u>	<u>LOANS</u>
Basis at beginning of year ***	_____	_____
PLUS		
Non-separately stated income.	_____	
Separately stated income items.	_____	
Non-taxable income, not including book/tax timing differences.	_____	
50% of ITC recapture.	_____	
New loans to S corporation.		_____
Additional stock/paid-in-capital investment.	_____	
MINUS		
Loan repayments to shareholder		(_____)
Gain recognized on debt repayment in excess of basis		(_____)
Basis for current year loss.	_____	
MINUS		
Non-separately stated loss.	(_____)	(_____)
Separately stated losses and deductions.	(_____)	(_____)
Prior year(s) loss carryover utilized in current year.	(_____)	(_____)
Non-deductible expenses, not including book/tax timing differences****	(_____)	
Depletion adjustment****	(_____)	
Remaining basis.	_____	
MINUS		
Non-dividend distributions.	(_____)	
PLUS		
Gain recognized for non-dividend distributions in excess of basis.	_____	
Net increase for the year.**	_____	_____
Basis at end of year.	_____ *	_____

* Basis cannot be less than zero. Any unused losses and deductions should be reflected on the attached schedule of carryover losses.

** Net increase for the year represents the excess of all increases to basis because of income and net of all decreases for deductible and nondeductible losses and distributions.

*** Basis in stock is calculated on a per share/per day basis. Each block of stock must be accounted for separately. Special rules apply if one block of stock has an excess negative adjustment. See final regulations.

S CORPORATION SHAREHOLDER BASIS SCHEDULE
SHORT VERSION

**** This basis schedule assumes the shareholder made the election to decrease basis by ordinary loss or other item of loss or deduction and depletion before decrease by nondeductible, noncapital expenses. When the election is made, final regulations require nondeductible expenses and depletion in excess of basis to be carried forward and reduce basis in succeeding taxable years.

Final regulations are silent as to the carryover of nondeductible items when the election is not made, but presumably these items are not carried forward.

CARRYOVER LOSSES

Balance at beginning of year

Additional excess losses

Prior year(s) carryover used in current year

Balance at end of year

Deductible	Nondeductible	Total
()	()	()

S CORPORATION SHAREHOLDER BASIS SCHEDULE **LONG VERSION**

Corporation Name _____ ID # _____

Shareholder Name _____ SS # _____

Year
of Shares at year end
Ownership Percentage

STOCK BASIS

(unless otherwise noted, all line references refer to this form)

1. Beginning of year
2. Addition investments.
3. Adjustments +(-).
- 4.A Current year ordinary income (from K-1, line 1).
- 4.B Current year other income (from K-1, lines 2-6,17, 18)
5. Subtotal of Lines 1 - 4.B.
- 6.A Current year ordinary loss (K-1, Line 1) prorable.
- 6.B Current year other deductions (from K-1, Lines 2 - 10) prorable (6.A & 6.B losses not to exceed Line 5).
- 6.C Nondeductible expenses, K-1, Line 19 (not to exceed items 5 - 6.B).
7. Subtotal of Lines 5 - 6C.
- 8.A Deductible loss carryover (Line 26.D pr. yr. not to exceed Line 7).
- 8.B Nondeductible loss carryover (Line 27.D pr. yr. not to exceed Line 7 minus 8.A).
9. Nondividend distributions (not to exceed Line 7, minus lines 8.A and 8.B. Excess to line 28.C).
10. Net basis.
11. Loan restoration (net increase of items 4.A - 9).
12. Capital basis year end (Line 10 less 11).

()	()	()
()	()	()
()	()	()
()	()	()
()	()	()
()	()	()

S CORPORATION SHAREHOLDER BASIS SCHEDULE

LONG VERSION

LOANS FROM SHAREHOLDER

13. Beginning of year (Line 16, prior yr. schedule).
14. Additions.
15. Payments.
16. Balance end of year.

()	()	()

BASIS IN LOANS FROM SHAREHOLDER

17. Beginning of year (Line 24 prior yr. schedule).
18. Restoration of basis line (Line 11).
19. Additions. (Line 14)
20. Payments. (Line 15)
21. Subtotal (Lines 17 - 20).
- 22.A Excess loss from Line 6.A or 6.B (ordinary or other deductible losses).
- 22.B Excess loss from Line 6.C (other nondeductible expenses).
- 22.C Subtotal of 22.A & 22.B (not to exceed Line 21) (excess to Line 26.A or 27.A)
- 23.A Deductible loss carryover applied to loans (not to exceed 21 less 22.C and 23.A)
- 23.B Nondeductible loss carryover applied to loans (not to exceed 21 less 22.C)
24. Loan basis end of year (line 21 - 23.B)
25. TOTAL TAX BASIS - STOCK & LOANS (Line 12 plus Line 24)

Year

()	()	()
()	()	()
()	()	()

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DEDUCTIBLE CARRYOVERS

- 26.A Unused loss and deductions from above.
- 26.B Deductible loss carryover (prior year schedule, Line 26.D).
- 26.C Deductible loss used this year (Line 8.A plus 23.A).
- 26.D Deductible loss carryover (Line 26.A plus 26.B minus 26.C).

()	()	()

NONDEDUCTIBLE CARRYOVERS

- 27.A Unused nondeductible loss and deductions from above.
- 27.B Nondeductible loss carryover (prior year schedule, Line 27D).
- 27.C Nondeductible losses used this year (Line 8.B plus 23.B)
- 27.D Nondeductible loss carryover (Line 27.A plus 27.B minus 27.C).

()	()	()

S CORPORATION SHAREHOLDER BASIS SCHEDULE
LONG VERSION

INFORMATION NOT INCLUDED IN K-1

- 28.A Ordinary income from loan payment.
- 28.B Capital gain income from loan payment.
- 28.C Capital gain distribution.

FOOTNOTES

Line Reference

Basis is determined on a per share, per day basis. Each block of stock must be accounted for separately. Special rules apply if one block of stock has an excess negative adjustment. See final regulations.

- 3 Other adjustments necessary to adjust basis would include among other items, a reduction in basis due to gifting some of the stock, elimination of a shareholder due to change in ownership or as a result of the death of a shareholder.
- 6.C This basis schedule assumes the shareholder made the election to decrease basis by ordinary loss or other item of loss or deduction and depletion before decrease by nondeductible, noncapital expenses. When the election is made, final regulations require nondeductible expenses and depletion in excess of basis to be carried forward and reduce basis in succeeding taxable years.
- 6.A & B Total of these two lines should not exceed Line 5. If over, take excess to Line 22.A or 22.B.
- 9 Any nondividend distribution in excess of basis in stock is considered as sale of stock and is ordinarily capital gain depending on the holding period. (Short term or long term). Report on Line 28.C.
- 11 Basis in indebtedness increases only if there is a net increase in a shareholder's basis. A net increase results if all income items of section 1367(a)(1) exceed the items described in section 1367(a)(2). These restoration rules apply only to indebtedness held by a shareholder as of the beginning of the taxable year. The indebtedness basis can not exceed the adjusted basis in the indebtedness (without reductions of 1367(b)) as of the beginning of the year.
- 12 Stock basis can not be less than zero.
- 20 If loan repayment exceeds loan basis, the gain should be shown on Line 28.A or B. Only the basis attributable to the repayment should be shown on this line.
- 22.A/26.A Line 22.A should not exceed Line 21. Any excess to Line 26.A.
- 22.B/27.A Line 22.B should not exceed Line 21 less Line 22.A. Any excess to Line 27.A.
- 24 Loan basis of shareholder should never be less than zero.

AICPA Tax Practice Guides
§ 704(b) - 1997

The following guide is segmented into three parts. The first is a narrative discussion outlining the basic steps a practitioner can follow to determine if the loss allocation is acceptable under § 704(b). The second is an example which includes a completed § 704(b) calculation. The third is a blank worksheet practitioners can use as a guide when an actual § 704(b) calculation is required.

AICPA Tax Practice Guides
§ 704(b) - 1997

1. Determine if the allocations of profit or loss are in accordance with § 704(b).

Note: The regulations under § 704(b) are broken down into two categories. The regs under 1.704-1 primarily cover general partnerships and limited partnerships with recourse debt. In most instances § 704(b) limitations apply to these types of partnerships only if there are special allocations (e.g., a partner gets a larger share of common depreciation than of all other components of loss), or if there are shifting or transitory allocations. The regulations under 1.704-2 apply to partnerships with nonrecourse debt. 1.704-2 can often result in reallocations even in instances where all items of profit and loss are shared equally throughout the life of the partnership. It is 1.704-2 that this outline is intended to address. Potential issues under 1.704-1 are beyond the scope of this outline. This outline also does not cover partnerships with revaluations ("bookups") since they too are beyond the scope of this outline.

Practitioners should also note that there are three sets of regulations under § 704(b) that may apply. The initial set of final regulations ("former regulations") were issued in 1986. Temporary regulations were issued in 1988, and new final regulations were issued in 1991. There are a variety of factors that could determine which regulations apply to a particular partnership. Practitioners should refer to Reg. § 1.704-2(l) for additional information about effective dates.

2. Determine if there is nonrecourse debt.

If so:

Are there deductions attributable to nonrecourse debt? Deductions attributable to nonrecourse debt occur when the partnership experiences a net increase in partnership minimum gain (as defined below) for the year. Partnership minimum gain is increased by anything that increases the remaining balance of nonrecourse debt (e.g., additional borrowing) or decreases the basis of partnership property subject to the nonrecourse debt (e.g., depreciation).

3. Determine if the allocations are in accordance with the "partner's interest in the partnership."

Note that although the § 704 regulations require allocations to have "substantial economic effect" (SEE) to be valid, deductions attributable to nonrecourse debt by definition lack SEE since no one except the lender bears the risk of loss. Therefore, deductions attributable to nonrecourse debt must be allocated in accordance with the partner's interest in the partnership in order to be considered valid. The regulations also require that nonrecourse deductions must be allocated in a manner that is reasonably consistent with the allocation of other significant items related to the property securing the nonrecourse debt (i.e., the regulations try to keep partnerships from specially allocating depreciation to one partner and have all other items be allocated commonly).

- (a) Does the partnership agreement contain the following provisions that allow it to meet the "safe harbor" tests that assure that the partnership's allocations are in accordance with the partner's interest in the partnership:

- (1) a requirement that capital accounts be maintained in accordance with the § 704 regulations

- and (2) that distributions in liquidation of the partnership be done in accordance with the positive § 704 capital accounts

- and (3) contain a qualified income offset provision (which requires that a partner who unexpectedly receives an adjustment or allocation of an item specified in the regulations which causes the partner's capital account to become impermissibly negative (i.e., more negative than their share of minimum gain), that they be allocated income as quickly as possible to eliminate this deficit)

and (4) contain a minimum gain chargeback provision (which requires that if there has been a decrease in "partnership minimum gain" for the current year, each partner with an impermissibly negative capital account (as defined above) shall be allocated income sufficient to eliminate the deficit)

(b) If the partnership agreement does not contain all the provisions above allowing it to meet the safe harbor, the allocations will still be valid if they are made in accordance with the partner's interest in the partnership (which, since the partnership failed the safe harbor test, now becomes a facts and circumstances test).

4. In order for allocations to be in accordance with the partner's interest in the partnership (either through satisfaction of the safe harbor test or based on the facts and circumstances test), deductions should generally be allocated to partners whose capital accounts are not impermissibly negative (as defined above).

Because the initial set of final regulations ("former regulations") were issued in 1986 retroactive to 1976, practitioners may encounter instances where a partner has an impermissibly negative capital account at the beginning of the year. This is as a result of the partnership having incorrectly allocated deductions in prior years. The method to correct these impermissibly negative capital accounts would be to charge back gross income to eliminate the deficit. However, since the regulations do not require such a gross income allocation and arguably the allocations for 1996 would be incorrect should a gross income allocation be made, practitioners may wish to avoid this approach. Consequently, practitioners should consider the alternative economic effect test under § 1.704-1(b)(2)(ii)(d). This regulation states that current year allocations will be acceptable under the alternative economic effect test as long as the current year allocations do not cause capital accounts to become more impermissibly negative.

In order to determine if the partners' capital accounts are impermissibly negative:

(a) Determine if the partnership is a general partnership or if the partnership agreement or state law provides for a deficit makeup requirement (whereby upon liquidation of the partnership, all partners with negative capital accounts after sale of all assets are required to contribute cash to the partnership to eliminate the negative capital accounts).

If so, the partner's capital accounts can never be impermissibly negative and the allocations will be deemed to be in accordance with the partner's interest in the partnership.

(b) If the partnership agreement or state law do not contain the provisions in (a) above, a minimum gain calculation will be necessary to ensure the partnership allocations do not cause a partner's capital account to become impermissibly negative.

5. Minimum gain calculation

"Minimum gain" is the gain that would occur upon a constructive liquidation of the partnership's nonrecourse assets for the amount of the partnership's nonrecourse debt. It is calculated as follows:

	remaining balance of nonrecourse debt
less	<u>adjusted basis of assets subject to the nonrecourse debt</u>
equals	partnership minimum gain.

The partnership minimum gain is then generally allocated to each partner based on the profit sharing ratios. Each partner's share of the partnership minimum gain at the end of the year should be equal to or exceed that partner's end-of-year negative capital account (as determined under the § 704 regulations).

Note that a § 704(b) capital account is generally the tax basis capital reduced by any partnership syndication costs and further reduced by any step-ups in basis resulting from a § 743 basis adjustment. (§ 734 step-ups are allowed to be included in the § 704(b) capital account).

If the minimum gain at the end of the year is less than the negative capital account (and if the minimum gain was not less than the negative capital account at the beginning of the year), then:

- (a) The partner cannot be allocated current year losses to the extent of the excess
- or (b) If the cause of the capital account being impermissibly negative is due to a decrease in partnership minimum gain, a minimum gain chargeback (i.e., an income allocation) must be made to that partner to eliminate the impermissibly negative amount of the capital account.

The "stacking rules" in the § 704 regulations generally require that in most instances the § 704(b) rules act as a limiting test to limit loss allocations to limited partners, rather than increase their loss allocations (i.e., limited partners usually will not receive more losses allocated to them as a result of § 704(b) than they would have received but for § 704(b).)

Consequently, to the extent that a limited partner is not allowed to be allocated losses due to insufficient minimum gain, the losses are allocated to the partner who bears the economic risk of loss, which in most cases is the general partner.

6. Partner and related party loans and guarantees.

- (a) When a partner or a related party to a partner makes a nonrecourse loan to a partnership or guarantees a part of the partnership's nonrecourse debt, that partner generally bears the risk of loss for the amount of the loan or guarantee.

This causes what would otherwise be nonrecourse debt to be reclassified as "partner nonrecourse debt." Partner nonrecourse debt is only available as nonrecourse debt in the minimum gain calculation to the lending or guaranteeing partner. Consequently, since this debt will not be available to the other limited partners, the partnership's minimum gain will be disproportionately allocated to the lending partner with the result being that oftentimes the lending partner will be allocated a disproportionate share of the partnership's losses (and as a result of this disproportionate allocation of losses, the lending or guaranteeing partner will also be allocated a disproportionate share of the partnership minimum gain upon a disposition of the assets).

e.g., Minimum gain calculation

	Partnership total	Partner A 20% GP	Partner B 40% LP	Partner C 40% LP
Nonrecourse Debts (Mortgage)	1,000,000	200,000	400,000	400,000
Other nonrecourse loans (from Partner A)	200,000	200,000	0	0
Nonrecourse Assets (Land & Bldg. at NTV)	<600,000>	<120,000>	<240,000>	<240,000>
Minimum Gain	<u>600,000</u>	<u>280,000</u>	<u>160,000</u>	<u>160,000</u>

- (b) Related party loans or guarantees in place prior to January 30, 1989 are not considered "partner loans" for § 704(b) purposes.

- (c) When preparing a minimum gain calculation, debt of superior priority receives an allocation of assets before debt of an inferior priority. In practice this often means that partner loans, since they are often repayable after the mortgage, are of an inferior priority to the mortgage. Consequently the assets are allocated to the mortgage first and then to the partner loans. This results in partner loans being allocated the first piece of minimum gain incurred by the partnership for the year. As a result, the lending partner can receive an allocation of losses equal to the current year increase in partner loans "off the top" before other partners receive any losses.

(d) Recoveries of Partner Loans

When a partner loans funds to a partnership, or guarantees a partnership's nonrecourse debt, the minimum gain provisions often cause the lending partner or guaranteeing partner to receive additional losses in the year of the loan or guarantee.

When that loan is repaid or guarantee eliminated, the partner no longer is at risk for those funds, so the minimum gain provisions should result in a corresponding allocation of income to the partner whose loans were repaid. (Note however, that depending upon which set of regulations apply to the partnership, an allocation of income may not be required when partner guarantees are eliminated.)

7. Attribute Reallocation

Although the regulations are silent on the potential reallocation of tax attributes (e.g., tax preference), since the regulations do require depreciation deductions to be the first deduction that gets reallocated due to insufficient minimum gain, it would seem appropriate to reallocate the attributes that are related to depreciation in a similar manner.

Example

The Sorry partnership has four partners:

	Profit & Loss	Initial Capital
	<u>%</u>	<u>Contribution</u>
Partner A GP	5	5,000
Partner B LP	5	5,000
Partner C LP	40	40,000
Partner D LP	50	<u>50,000</u>
		100,000

The partnership bought an apartment building on January 1, 1992 for \$1 million paying \$100,000 in cash and assuming a nonrecourse mortgage of \$900,000.

In years 1 and 2, the partnership had break-even operations, and incurred total depreciation expense of \$67,649. Since all partners had positive capital accounts at the end of years 1 and 2, the loss was allocated in accordance with the loss sharing ratios which was acceptable under § 704(b).

The Balance sheet at the end of year 2 was as follows:

<u>Assets</u>		
Tenant Security Deposits		3,000
Land		50,000
Building		
Cost	950,000	
Accumulated Depreciation		<u>(67,649)</u>
Net Tax Value		<u>882,351</u>
Total Assets		<u>935,351</u>

Liabilities and Capital

Tenant Security Deposits	3,000
Mortgage	900,000
Partner's Capital	<u>32,351</u>
Total Liabilities and Capital	<u>935,351</u>

In year 3, the apartment building suffered from a rise in vacancies and increased operating expenses resulting in a \$50,000 deficit in operations, which was funded by a nonrecourse loan by general partner *A* which was secured by the real estate. GP *A* also funded the principal curtailment on the mortgage. The partnership also had depreciation expense of \$34,542.

1994 Profit & Loss:

Regular Operations, net	(50,000)
Depreciation	<u>(34,542)</u>
Net Loss	(84,542)

The loss without 704(b) would be allocated as follows:

Partner A	5%	(4,227)
Partner B	5%	(4,227)
Partner C	40%	(33,817)
Partner D	50%	<u>(42,271)</u>
		(84,542)

The Balance Sheet at the end of year 3 is as follows:

Assets

Tenant Security Deposits	3,000
Land	50,000
Building	
Cost	950,000
Accumulated Depreciation	<u>(102,191)</u>
Net Tax Value	<u>847,809</u>
Total Assets	<u>900,809</u>

Liabilities and Capital

Tenant Security Deposits	3,000
Due to Partner <i>A</i>	55,000
Mortgage	895,000
Partner's Capital	<u>(52,191)</u>
Total Liabilities and Capital	<u>900,809</u>

The § 704(b) calculation for 1994 would be as follows:

§ 704 (b) Worksheet

	A	B	C	D	
Beginning-of-Year Balance	Partner #1	Partner #2	Partner #3	Partner #4	Total
	% Interest 5	% Interest 5	% Interest 40	%Interest 50	100
<u>Nonrecourse Debt</u>					
(1) Mortgage	45,000	45,000	360,000	450,000	900,000
(1) Accrued Interest on Mortgage					
(2) Partner Loans					
(3) Pre 1/30/89 Partner Affiliate Loans					
(4) Post 1/29/89 Partner Affiliate Loans					
Total Nonrecourse Debt	45,000	45,000	360,000	450,000	900,000
<u>Nonrecourse Assets</u>					
(5) Land	2,500	2,500	20,000	25,000	50,000
(5) Building and Personal Property at NTV	44,118	44,118	352,940	441,176	882,351
(6) 734 Step-ups (including 708 step-ups)					
(6) Construction Period Interest and Taxes					
(5) Other assets that the mortgagee could acquire upon foreclosure (e.g. debt service escrows)					
Total Nonrecourse Assets	46,618	46,618	372,940	466,176	932,351
Beginning-Of-Year Minimum Gain	0	0	0	0	0

- (1) If none of the partners is the mortgagee or guarantees any of the mortgage, generally allocate in accordance with profit sharing ratios
- (2) Allocate to lending partner
- (3) If none has been guaranteed by any partner, generally allocate in accordance with profit sharing ratios
- (4) Allocate to affiliated partner
- (5) Allocate pro-rata
- (6) Allocate to appropriate partner only

§ 704 (b) Worksheet

End-of-Year Balance	A Partner #1 % Interest 5	B Partner #2 % Interest 5	C Partner #3 % Interest 40	D Partner #4 % Interest 50	Total 100
<u>Nonrecourse Debt</u>					
(1) Mortgage	44,750	44,750	358,000	447,500	895,000
(1) Accrued Interest on Mortgage					
(2) Partner Loans	55,000				55,000
(3) Pre 1/30/89 Partner Affiliate Loans					
(4) Post 1/29/89 Partner Affiliate Loans					
Total Nonrecourse Debt	<u>99,750</u>	<u>44,750</u>	<u>358,000</u>	<u>447,500</u>	<u>950,000</u>
<u>Nonrecourse Assets</u>					
(5) Land	2,500	2,500	20,000	25,000	50,000
(5) Building and Personal Property at NTV	42,390	42,390	339,124	423,905	847,809
(6) 734 Step-ups (including 708 step-ups)					
(6) Construction Period Interest and Taxes					
(5) Other assets that the mortgagee could acquire upon foreclosure (e.g. debt service escrows)					
Total Nonrecourse Assets	<u>44,890</u>	<u>44,890</u>	<u>359,124</u>	<u>448,905</u>	<u>897,809</u>
End-Of-Year Minimum Gain	<u>52,191</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>52,191</u>
Change in Minimum Gain	52,191				52,191

- (1) If none of the partners is the mortgagee or guarantees any of the mortgage, generally allocate in accordance with profit sharing ratios
- (2) Allocate to lending partner
- (3) If none has been guaranteed by any partner, generally allocate in accordance with profit sharing ratios
- (4) Allocate to affiliated partner
- (5) Allocate pro-rata
- (6) Allocate to appropriate partner only

	A	B	C	D	
	Partner #1	Partner #2	Partner #3	Partner #4	Total
	% Interest 5	% Interest 5	% Interest 40	%Interest 50	100
Beginning-of-Year Tax Capital Account	1,618	1,618	12,940	16,175	32,351
Less: Syndication Costs	0	0	0	0	0
Less: NTV of 743 Step-ups	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Beginning-of-Year 704(b) Capital Account	1,618	1,618	12,940	16,175	32,351
Plus: Capital Contributed	0	0	0	0	0
Less: Distributions	0	0	0	0	0
Less: Loss Allocation before impact of 704(b) (excluding step-up depreciation on 743 step-up)	<u>(4,227)</u>	<u>(4,227)</u>	<u>(33,817)</u>	<u>(42,271)</u>	<u>(84,542)</u>
Tentative End-of-year 704(b) Capital Account	(2,609)	(2,609)	(20,877)	(26,096)	(52,191)
Reallocation	(49,582)	2,609	20,877	26,096	0
Final End-of-Year Capital Account	(52,191)	0	0	0	(52,191)

	A	B	C	D	
	Partner #1	Partner #2	Partner #3	Partner #4	Total
	% Interest 5	% Interest 5	% Interest 40	%Interest 50	100
End-of-Year Minimum Gain	52,191	0	0	0	52,191
Tentative End-of-Year 704(b) Capital Accounts	(2,609)	(2,609)	(20,877)	(26,096)	(52,191)
704(b) Reallocation	49,582	(2,609)	(20,877)	(26,096)	0

If a partner's end-of-year § 704(b) capital account is more negative than the partner's share of minimum gain, a reallocation will be needed away from that partner. This reallocation will generally be allocated to the general partner(s) who have minimum gain in excess of their negative capital account. If no general partner has such an excess, the loss is allocated to the general partners in accordance with their loss sharing ratios. Reallocations toward limited partners usually only occur when there are partner loan recoveries, or removal of partner guarantees.

	A	B	C	D	
	Partner #1	Partner #2	Partner #3	Partner #4	Total
	% Interest 5	% Interest 5	% Interest 40	%Interest 50	100
End-of-Year Minimum Gain	52,191	0	0	0	52,191
Final End-of-Year 704(b) Capital Accounts	(52,191)	0	0	0	(52,191)

The impact of § 704(b) would be as follows:

	Loss without § 704(b)	Reallocation under § 704(b)	Loss After § 704(b)
Partner A	(4,227)	(49,582)	(53,809)
Partner B	(4,227)	2,609	(1,618)
Partner C	(33,817)	20,877	(12,940)
Partner D	<u>(42,271)</u>	<u>26,096</u>	<u>(16,175)</u>
	(84,542)	0	(84,542)

The End-of-Year Capital Accounts by Partner would be:

Partner A	(52,191)
Partner B	0
Partner C	0
Partner D	0

Note that the following worksheet assumes all loans are of equal priority. Should practitioners encounter instances where loans are of unequal priority, it is possible several minimum gain calculations could be required, because the nonrecourse assets are allocated first to debt of superior priority, then to debt of inferior priority.

Due to the complexity of § 704(b) there are numerous variables that could cause the following worksheet to allocate losses in a manner not intended under § 704(b). Consequently, it is imperative that the practitioner closely review the allocation this worksheet produces for reasonableness and consistency with § 704(b).

§ 704 (b) Worksheet

Beginning-of-Year Balance	Partner #1 % Interest ____	Partner #2 % Interest ____	Partner #3 % Interest ____	Partner #4 %Interest ____	Total
Nonrecourse Debt					
(1) Mortgage					
(1) Accrued Interest on Mortgage					
(2) Partner Loans					
(3) Pre 1/30/89 Partner Affiliate Loans					
(4) Post 1/29/89 Partner Affiliate Loans					
Total Nonrecourse Debt					
Nonrecourse Assets					
(5) Land					
(5) Building and Personal Property at NTV					
(6) 734 Step-ups (including 708 step-ups)					
(6) Construction Period Interest and Taxes					
(5) Other assets that the mortgagee could acquire upon foreclosure (e.g. debt service escrows)					
Total Nonrecourse Assets					
Beginning-Of-Year Minimum Gain					

- (1) If none of the partners is the mortgagee or guarantees any of the mortgage, generally allocate in accordance with profit sharing ratios
- (2) Allocate to lending partner
- (3) If none has been guaranteed by any partner, generally allocate in accordance with profit sharing ratios
- (4) Allocate to affiliated partner
- (5) Allocate pro-rata
- (6) Allocate to appropriate partner only

§ 704 (b) Worksheet

End-of-Year Balance	Partner #1	Partner #2	Partner #3	Partner #4	Total
	% Interest ____	% Interest ____	% Interest ____	%Interest ____	
Nonrecourse Debt					
(1) Mortgage					
(1) Accrued Interest on Mortgage					
(2) Partner Loans					
(3) Pre 1/30/89 Partner Affiliate Loans					
(4) Post 1/29/89 Partner Affiliate Loans					
Total Nonrecourse Debt					
Nonrecourse Assets					
(5) Land					
(5) Building and Personal Property at NTV					
(6) 734 Step-ups (including 708 step-ups)					
(6) Construction Period Interest and Taxes					
(5) Other assets that the mortgagee could acquire upon foreclosure (e.g. debt service escrows)					
Total Nonrecourse Assets					
End-Of-Year Minimum Gain					
Change in Minimum Gain					

- (1) If none of the partners is the mortgagee or guarantees any of the mortgage, generally allocate in accordance with profit sharing ratios
- (2) Allocate to lending partner
- (3) If none has been guaranteed by any partner, generally allocate in accordance with profit sharing ratios
- (4) Allocate to affiliated partner
- (5) Allocate pro-rata
- (6) Allocate to appropriate partner only

	Partner #1 % Interest ____	Partner #2 % Interest ____	Partner #3 % Interest ____	Partner #4 %Interest ____	Total
Beginning-of-Year Tax Capital Account					
Less: Syndication Costs					
Less: NTV of 743 Step-ups					
Beginning-of-Year 704(b) Capital Account					
Plus: Capital Contributed					
Less: Distributions					
Less: Loss Allocation before input of 704(b) (excluding step-up depreciation on 743 step-up)					
Tentative End-of-year 704(b) Capital Account					
Reallocation					
Final End-of-Year 704(b) Capital Account					

	Partner #1	Partner #2	Partner #3	Partner #4	Total
	% Interest ____	% Interest ____	% Interest ____	%Interest ____	
End-of-Year Minimum Gain					
Tentative End-of-Year 704(b) Capital Accounts					
704(b) Reallocation					

If a partner's end-of-year § 704(b) capital account is more negative than the partner's share of minimum gain, a reallocation will be needed away from that partner. This reallocation will generally be allocated to the general partner(s) who have minimum gain in excess of their negative capital account. If no general partner has such an excess, the loss is allocated to the general partners in accordance with their loss sharing ratios. Reallocations toward limited partners usually only occur when there are partner loan recoveries, or removal of partner guarantees.

	Partner #1	Partner #2	Partner #3	Partner #4	Total
	% Interest ____	% Interest ____	% Interest ____	%Interest ____	
End-of-Year Minimum Gain					
Final End-of-Year 704(b) Capital Accounts					

PASSIVE ACTIVITY CHECKLIST

1997

Client Name and Number: _____

Prepared by: _____ Date: _____ Reviewed by: _____ Date: _____

Individuals, trusts (other than grantor trusts), estates, personal service corporations, and closely held corporations are subject to passive activity rules. Limitations on losses or credits from activities operated by partnerships and S corporations are applied at the level of the partners and shareholders.

		<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
100)	ACTIVITIES			
101)	Account for all activities.	_____	_____	_____
102)	Determine that all activities are grouped according to appropriate economic unit based on facts and circumstances:			
	.1) Similarities and differences in types of business.	_____	_____	_____
	.2) Extent of common control.	_____	_____	_____
	.3) Extent of common ownership.	_____	_____	_____
	.4) Geographic location.	_____	_____	_____
	.5) Interdependencies between activities.	_____	_____	_____
103)	For rental activities consider that:			
	.1) A rental activity may not be grouped with a trade or business activity unless one activity is insubstantial in relation to the other. Note "same proportionate ownership" exception (Reg. § 1.469-4 (d)(1)).	_____	_____	_____
	.2) An activity involving the rental of real property and an activity involving the rental of personal property (other than personal property provided in connection with the real property) cannot be treated as a single activity.	_____	_____	_____
104)	Consider the six exceptions to the definition of "rental activity" (Reg. § 1.469-1T(e)(3)(ii)).	_____	_____	_____
105)	Consider the exception for taxpayers who materially participate in real property trade or businesses (§ 469(c)(7)).	_____	_____	_____
	.1) Determine if the taxpayer satisfies the tests in Reg. § 1.469-9(c).	_____	_____	_____

PASSIVE ACTIVITY CHECKLIST

1997

		<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
	.2) Determine the taxpayer's real property trade or businesses.	_____	_____	_____
	.3) Determine whether rental real estate should be treated as a single activity or separately (Reg. § 1.469-9(g)).	_____	_____	_____
106)	Consider that aggregation elections made under Reg. § 1.469-4T(k)(3) may no longer be applicable/binding/appropriate.	_____	_____	_____
107)	Consider whether the grouping of activities is consistent with prior year unless the original grouping was clearly inappropriate, subject to the § 469(c)(7) rules, or there has been a material change in facts and circumstances. Reg. § 1.469-4(e).	_____	_____	_____
108)	Consider that taxpayers who are limited partners in activities described in § 465(c)(1) may not group that activity with any other activity except as provided in Reg. § 1.469-4(d)(3).	_____	_____	_____
109)	Consider that partnerships and S Corps must group their activities in accordance with the Reg. §§ 1.469-4(d) and 1.469-9(h).	_____	_____	_____
110)	Consider that partners and S Corp shareholders must group activities from various flow-through entities and directly conducted activities in accordance with the rules of Reg. §§ 1.469-4(d)(5) and 1.469-9(h).	_____	_____	_____
111)	Determine if any activity is specifically excluded from the definition of "passive activity" (e.g., trading in personal property, or a working interest in oil and gas property owned directly or through an entity that does not limit taxpayer's liability).	_____	_____	_____
112)	Consider whether an activity involving rental of the taxpayer's residence during the taxable year should be excluded from the passive loss rules.	_____	_____	_____
113)	Determine if an activity is subject to the "publicly traded partnership" rules, and report separately.	_____	_____	_____
114)	Determine if Form 8582 is required.	_____	_____	_____
200)	PORTFOLIO INCOME			
201)	Separate portfolio income from passive income or loss.	_____	_____	_____
202)	Separately state expenses that are clearly and directly allocable to portfolio income.	_____	_____	_____

PASSIVE ACTIVITY CHECKLIST

1997

		<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
203)	Review for self-charged interest. If self-charged interest is present:			
	.1) Consider whether the taxpayer's interest income should be recharacterized as passive activity income.	_____	_____	_____
	.2) Determine if the pass-through entity generating the self-charged interest elected out of the self-charged interest rules.	_____	_____	_____
300)	SPECIAL RULES FOR C CORPORATIONS			
301)	If taxpayer is a C corporation, determine if it is a closely-held corporation or a personal service corporation subject to the passive loss limitations.	_____	_____	_____
302)	If taxpayer is a closely held C corporation, calculate its net active business income.	_____	_____	_____
303)	If taxpayer is a corporation which is a member of an affiliated group of corporations filing a consolidated return, determine:			
	.1) The status (personal service, closely held) and participation in passive activities for the group as if it were a single taxpayer; and	_____	_____	_____
	.2) Net passive income or loss is calculated on a consolidated basis, if applicable.	_____	_____	_____
400)	MATERIAL PARTICIPATION (OTHER THAN A RENTAL ACTIVITY)			
401)	Determine if the taxpayer satisfied any of the seven tests for material participation contained in Reg. § 1.469-5T(a).	_____	_____	_____
402)	If taxpayer is a limited partner, consider applying the exceptions to qualify for material participation.	_____	_____	_____
403)	Determine that the material participation tests for a partner or S corporation shareholder are applied at the ultimate taxpayer level, using the taxable year of the passthrough entity.	_____	_____	_____
404)	Determine that participation of spouses (eligible to file a joint return) are combined for the above tests.	_____	_____	_____
405)	If taxpayer is a closely held C corporation or personal service corporation, determine if shareholders owning more than 50% of			

PASSIVE ACTIVITY CHECKLIST

1997

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
its stock in the aggregate each materially participated in the activity.	<hr/>	<hr/>	<hr/>
406) If taxpayer is a closely held C corporation, consider the alternative test for material participation based on employees and business expenses (§ 469(h)(4)(B)).	<hr/>	<hr/>	<hr/>
500) ACTIVE PARTICIPATION BY AN INDIVIDUAL IN RENTAL REAL ESTATE ACTIVITY			
501) Consider the \$25,000 special allowance for rental real estate losses and credits.	<hr/>	<hr/>	<hr/>
502) Determine that, under the \$25,000 special allowance rule, the taxpayer actively participated both in the year the loss arose and the year in which the loss is allowed.	<hr/>	<hr/>	<hr/>
503) Consider the special allowance for the rehabilitation credit and the low income housing credit from rental real estate activities—note that active participation is not required for these credits.	<hr/>	<hr/>	<hr/>
600) DISPOSITIONS			
601) Determine if the taxpayer disposed of, in a fully taxable transaction, his entire interest in a passive activity to an unrelated party at arm's length, or as a full abandonment of the entire interest. If so:	<hr/>	<hr/>	<hr/>
.1) Consider the rules for the disposition of an interest in a passthrough entity.	<hr/>	<hr/>	<hr/>
.2) After considering ordering rules, deduct in full any loss allocable to such activity including suspended losses from prior years.	<hr/>	<hr/>	<hr/>
.3) Consider the suspended loss utilization rules for the installment sale of an entire interest.	<hr/>	<hr/>	<hr/>
602) Consider Reg. § 1.469-4(g) regarding a disposition of substantially all of an activity. Determine with reasonable certainty:	<hr/>	<hr/>	<hr/>
.1) The amount of prior deductions and credits disallowed under passive rules allocable to the disposed activity; and	<hr/>	<hr/>	<hr/>

PASSIVE ACTIVITY CHECKLIST

1997

		<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
	.2) The amount of gross income and deductions allocable to the disposed activity.	_____	_____	_____
603)	Consider the treatment of suspended losses in dispositions characterized as nontaxable exchanges.	_____	_____	_____
604)	At death of taxpayer, deduct suspended losses to the extent such losses exceed the amount by which the activity's basis is increased pursuant to § 1014.	_____	_____	_____
605)	Determine that the donee's basis of a passive activity interest has been increased by the amount of any related suspended losses, limited to fair market value. Note that the donor may not claim the suspended losses.	_____	_____	_____
606)	For pre-1987 installment sales, consider whether post-1986 gain recognized is eligible to be treated as passive income.	_____	_____	_____
607)	Determine ability to deduct passive credits. Note that although credits are not "freed-up" on disposition, the taxpayer may make an election to increase basis (§ 469(j)(9)).	_____	_____	_____
700)	SPECIAL CHARACTERIZATION OF INCOME RULES			
701)	Determine if gain from the disposition of an interest in an activity is passive in the year of disposition (12 month rule). Note special rules for dealers.	_____	_____	_____
702)	Determine the character of gain on the disposition of substantially appreciated property formerly used in a nonpassive activity.	_____	_____	_____
703)	Determine if net income from property rented for use in a trade or business activity in which the taxpayer materially participated (including partnership, S corporation, and C corporation) for the taxable year is treated as nonpassive income. Note exception for leases prior to February 19, 1988.	_____	_____	_____
704)	Consider whether net income from the rental of substantially non-depreciable property (less than 30% of basis is subject to depreciation) must be recharacterized as not from a passive activity.	_____	_____	_____
705)	If the activity is a significant participation activity with net income, but not a material participation activity, determine whether a ratable portion of the activity's net income must be recharacterized as not from a passive activity.	_____	_____	_____

PASSIVE ACTIVITY CHECKLIST

1997

		<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
706)	If the activity involves the lending of money, consider the "equity-financed lending activity" rule (Reg. § 1.469-2T(f)(4)).	_____	_____	_____
707)	Determine if net royalty income from intangible property held by a passthrough entity should be treated as nonpassive royalty income (Reg. § 1.469-2T(f)(7)).	_____	_____	_____
708)	Determine if the "developer rule" requires the gain on the sale of rental property to be recharacterized as nonpassive income.	_____	_____	_____
709)	Determine if distributions in excess of basis from partnerships and S corporations can be characterized as income from a passive activity (Rev. Rul. 95-5).	_____	_____	_____
710)	Determine if discharge of indebtedness income can be characterized as income from a passive activity (Rev. Rul. 92-92).	_____	_____	_____
711)	Determine if the taxpayer has carryforward losses from a former passive activity that can offset active income from the same activity.	_____	_____	_____
800)	OTHER PASSIVE ACTIVITY RULES			
801)	Determine that other provisions limiting the deductibility of items, such as § 465 at risk provisions, § 704(d) and § 1366(d) basis limitations, have been considered before applying the passive loss rules.	_____	_____	_____
802)	For each passive activity, combine the passive income and passive losses for that activity to determine net passive income or loss for the activity.	_____	_____	_____
803)	Consider the passive loss limitations for purposes of the alternative minimum tax.	_____	_____	_____
804)	Determine if there are carryovers of passive losses or credits per activity for both regular tax and AMT purposes.	_____	_____	_____
805)	Consider that suspended pre-1987 losses as a result of at risk or basis limitations that may be claimed are not subject to § 469 limitations.	_____	_____	_____
806)	If a casualty or theft loss was incurred, determine if it is subject to a § 469 limitation.	_____	_____	_____

PASSIVE ACTIVITY CHECKLIST

1997

		<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
807)	Subject credits from passive activities to the applicable limitations for such credits; generally such credits may not offset taxes other than taxes related to net passive income.	_____	_____	_____
808)	Allocate disallowed passive loss ratably among the taxpayer's passive activities having net losses for the taxable year and prepare a carryforward schedule.	_____	_____	_____
809)	Consider special passive activity rules for estates and trusts.	_____	_____	_____

COMMENTS OR EXPLANATIONS

ESTATE TAX WORK PAPER PROCEDURES AND ORGANIZATION

To facilitate the preparation, checking and review of estate tax returns, the following procedures should be observed, where applicable.

1. Originals of items to be attached to the return should be kept in a separate folder until the return is processed.
2. An estate tax checklist and organizer should be completed for every return.
3. The items in the return should be cross-referenced from final draft to workpapers.
4. The following system should be used to index the estate tax return workpapers:

Index Description

Section A - Return, legal documents, general information, etc.

- | | |
|----|---------------------------------------|
| 1 | Proof copy |
| 2 | Final draft |
| 3 | Elections and supporting calculations |
| 4 | Extension calculations |
| 5 | Estate tax checklist |
| 6 | Death certificate |
| 7 | Will, letters testamentary |
| 8 | Trust agreement |
| 9 | Probate inventory |
| 10 | Tax research |
| 11 | Postmortem planning |

Section B - Schedule reconciliation workpapers

- | | |
|-----|--|
| A | Real estate |
| A-1 | Section 2032A Valuation |
| B | Stocks and bonds |
| C | Mortgages, notes and cash |
| D | Life insurance on decedent's life |
| E | Jointly owned property |
| F | Miscellaneous property |
| G | Transfers during decedent's life |
| H | Powers of appointment |
| I | Annuities and retirement benefits |
| J | Funeral and administration expenses |
| K | Debts of decedent, mortgages and liens |
| L | Net losses during administration |
| M | Bequests to surviving spouse |
| N | Qualified ESOP sales |
| O | Charitable bequests |
| P | Credit for foreign death taxes |
| Q | Credit for tax on prior transfers |
| R | Generation-skipping transfers |
| S | Increased estate tax on excess retirement accumulations (tax repealed form decedents dying after 1997) |

5. Separate files should be used for correspondence, tax returns, client accounting, payroll and probate matters. A complete copy of the estate tax return with all attachments should be retained in the file.
6. Generally, formal books and/or balancing workpapers should be maintained to facilitate the accounting for basis, income, deductions and distributions.

UNITED STATES ESTATE (AND GENERATION-SKIPPING TRANSFER)
TAX RETURN PREPARATION AND REVIEW CHECKLIST
FORM 706 As Revised April 1997
For Decedents Dying after October 8, 1990

Decedent's Name and Client Number: _____

Personal Representative: _____ Date of Death: _____

Prepared by: _____ Date: _____ Reviewed by: _____ Date: _____

100) GENERAL INFORMATION	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
101) Obtain and review the following documents, if applicable:			
.1) Will and other governing documents to ascertain the various provisions for distributions, payment of taxes, debts and administrative expenses.	_____	_____	_____
.2) Any trust(s) instruments and Forms 1041 to determine if the decedent was a grantor or trustee of any trusts, or held any interest or power in any trusts, to determine whether any of the trust assets are includible in the gross estate.	_____	_____	_____
.3) Gift tax returns:			
.a) Determine whether gift tax adjustments or examinations have been made or are being conducted by the IRS.	_____	_____	_____
.b) If no gift tax returns have been filed, consider whether such returns should be filed. Note that the date of Form 709 is the earlier of the due date of the Form 706 or April 15th of the year following the year the gifts were made.	_____	_____	_____
.c) Determine whether the statute of limitations has passed (TRA 1997).	_____	_____	_____
.4) Prior income tax returns, gift tax returns, memos, workpapers and correspondence files.	_____	_____	_____
102) Consider obtaining a written engagement letter outlining:			
.1) Scope of services and description of work.	_____	_____	_____
.2) Responsibilities undertaken by the CPA.	_____	_____	_____
.3) Responsibilities the client is expected to assume.	_____	_____	_____

UNITED STATES ESTATE (AND GENERATION-SKIPPING TRANSFER)
TAX RETURN PREPARATION AND REVIEW CHECKLIST
FORM 706 As Revised April 1997
For Decedents Dying after October 8, 1990

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.4) Fee arrangements.	_____	_____	_____
.5) Arrangements for update and extension of services.	_____	_____	_____
103) Obtain the following:			
.1) List of executor(s)/personal representative(s) names, addresses and social security (or employer ID) numbers.	_____	_____	_____
.2) Certified copy of the death certificate.	_____	_____	_____
.3) Copy of any inventory of the decedent's assets.	_____	_____	_____
.4) A list of the following beneficiary information:			
.a) Full name and address.	_____	_____	_____
.b) Relationship to the decedent.	_____	_____	_____
.c) Social security number.	_____	_____	_____
.d) Date of birth.	_____	_____	_____
104) Determine the location of, and the persons with, access to any safety deposit box to which the decedent had access.	_____	_____	_____
105) For a decedent owning property in a community property state, ascertain the separate, joint or community character of the property.	_____	_____	_____
106) File federal Form 56 regarding fiduciary relationship on behalf of:			
.1) CPA.	_____	_____	_____
.2) Attorney.	_____	_____	_____
.3) Executor/personal representative.	_____	_____	_____
107) Determine the need to hire an appraiser(s):			
.1) Appraisals may be required if the estate includes articles of artistic or collectible value in excess of \$3,000 or any collections whose artistic or collectible value combined at date of death exceeds \$10,000.	_____	_____	_____
.2) Appraisals involving real estate should consider the potential applicability of discounts for fractional interests (including	_____	_____	_____

UNITED STATES ESTATE (AND GENERATION-SKIPPING TRANSFER)
TAX RETURN PREPARATION AND REVIEW CHECKLIST
FORM 706 As Revised April 1997
For Decedents Dying after October 8, 1990

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
costs of partition) and for potential environmental law exposure.			
.3) Appraisals involving businesses should consider the potential applicability of discounts for minority interests, blockage, and contractual or statutory restrictions on transferability.	_____	_____	_____
200) ELECTIONS			
201) Valuation and other elections.			
.1) Determine whether to elect alternate valuation. Note that alternate valuation is not available unless both the gross estate and the estate tax liability are reduced as a result of the election.	_____	_____	_____
.2) Consider special use valuation for real property (checklist item #400.)	_____	_____	_____
.3) For decedents dying after 1997, consider excluding up to 40% of the value of any land subject to a qualified conservation easement under § 2031(c) (TRA 1997).	_____	_____	_____
.4) For decedents dying after 1997, consider electing §§ 2033(A) special estate tax treatment excluding up to 1.3 million for "qualified family-owned business interests" (TRA 1997.)	_____	_____	_____
.5) Deferring additional tax on excess retirement accumulations (§ 4980A(d)(5)) (checklist item #2100.) (Additional tax repealed for decedents dying after 12/31/96 - TRA 1997.)	_____	_____	_____
6.) Electing an alternate interest rate for valuation of annuities, etc. (§ 7520(a)).	_____	_____	_____
.7) Deducting unpaid medical expenses on Form 706 or on the decedent's final Form 1040 (if such expenses are paid within one year after death).	_____	_____	_____
.8) Using qualified disclaimer within nine months of decedent's death (§ 2518 and applicable state law).	_____	_____	_____
202) Marital deduction elections.			
.1) Qualified Terminable Interest Property (QTIP):			

UNITED STATES ESTATE (AND GENERATION-SKIPPING TRANSFER)
TAX RETURN PREPARATION AND REVIEW CHECKLIST
FORM 706 As Revised April 1997
For Decedents Dying after October 8, 1990

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.a) If a QTIP election is an available option under the will or other governing instrument, consider whether that election should be made.	_____	_____	_____
.b) Consider extending the time for filing Form 706 to permit a more informed decision about making a QTIP election.	_____	_____	_____
.2) Consider electing Qualified Domestic Trust (QDOT) status for transfers to a non-U.S. citizen's spouse.	_____	_____	_____
203) Generation-Skipping Transfer (GST) Tax.			
.1) Consider allocating the GST tax exemption (§§ 2631 & 2632).	_____	_____	_____
.2) Consider allocating the GST tax exemption based on the transferred property's value as of the first day of the month (Reg. § 26.2642-2(a)(2)).	_____	_____	_____
.3) Consider the reverse QTIP election (checklist item #2006).	_____	_____	_____
204) Consider deferring payment of the estate tax.			
.1) Election to pay tax in installments for closely held business (§ 6166):			
.a) Apply attribution rules in determining whether gross estate includes 20% or more of a business interest (§ 6166 (b)(7)).	_____	_____	_____
.b) Consider election to treat holding company stock as stock in a closely held business (§ 6166(b)(8)).	_____	_____	_____
.c) Consider electing the new 2% interest rate on installment payments (TRA 1997) for decedents dying before 1998.	_____	_____	_____
.2) Election to defer estate tax attributable to reversionary or remainder interest (§ 6163).	_____	_____	_____
.3) Request to defer estate tax for reasonable cause (§ 6161).	_____	_____	_____
300) SCHEDULE A—REAL ESTATE			
301) If there is joint ownership, determine whether to report on Schedule E (checklist item #801).	_____	_____	_____

UNITED STATES ESTATE (AND GENERATION-SKIPPING TRANSFER)
TAX RETURN PREPARATION AND REVIEW CHECKLIST
FORM 706 As Revised April 1997
For Decedents Dying after October 8, 1990

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR</u> <u>EXPLANATION</u>
302) Ascertain if decedent's interest is a split interest, e.g., life interest, remainder interest or term of years. If so, refer to appropriate actuarial tables.	_____	_____	_____
303) If split interest is owned with family member(s), refer to § 2702 and note effective date.	_____	_____	_____
304) Ascertain whether contract price or appraised values should be used as fair market value in case of sale pending at death.	_____	_____	_____
305) Exclude cemetery lots for decedent and decedent's family from gross estate. Include in the gross estate additional cemetery lots that have market value.	_____	_____	_____
306) If property is security for a debt, show the debt separately on Schedule K, unless the debt is nonrecourse.	_____	_____	_____
 400) SCHEDULE A-1—SPECIAL USE VALUATION			
401) Ascertain whether the election is available for farm or other closely-held business real property. (Note the opportunity period to correct certain failures under 2032A--TRA 1997.)	_____	_____	_____
402) Review all required documents for the election.	_____	_____	_____
403) If the election is available, determine the names, addresses, and tax identification numbers of the qualified heirs and other interested parties and their relationship to the decedent.	_____	_____	_____
404) Determine who will act as agent for the qualified heirs and other interested parties in dealings with the IRS on special use valuation matters.	_____	_____	_____
405) Consider making a woodlands election under § 2032A(e)(13).	_____	_____	_____
 500) SCHEDULE B—STOCKS AND BONDS			
501) If there is joint ownership, determine whether to report on Schedule E (checklist item #801).	_____	_____	_____
502) Ascertain issuer name, number of shares and par value, and description of security (including CUSIP number).	_____	_____	_____
.1) For listed stocks or bonds, indicate stock exchange.	_____	_____	_____
.2) For bonds, indicate interest rate and maturity date.	_____	_____	_____

UNITED STATES ESTATE (AND GENERATION-SKIPPING TRANSFER)
TAX RETURN PREPARATION AND REVIEW CHECKLIST
FORM 706 As Revised April 1997
For Decedents Dying after October 8, 1990

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.3) For stocks trading "ex-dividend" on the date of death, add the dividend amount to the ex-dividend quotation to determine the taxable value of the stock. (Dividends that have been declared but not paid prior to the date of death are not separately includible for estate tax purposes in cases where the ex-dividend date is after the date of death.)	_____	_____	_____
.4) Accrued interest on bonds should be shown separately, but as a part of the same item number, immediately following the value of the bond to which it relates.	_____	_____	_____
.5) Review valuation of securities in accordance with the regulations under § 2031. Note specific rules when valuation date is not a trading date.	_____	_____	_____
503) Ascertain whether "flower bonds" are includible in the gross estate. See Rev. Rul. 69-489 for valuation rules.	_____	_____	_____
504) Determine that Series H and HH bonds are included at face value.	_____	_____	_____
505) For Series E and EE savings bonds, value in accordance with the tables promulgated by the Treasury Department (available in most major tax services).	_____	_____	_____
506) Inquire whether there is closely-held stock.	_____	_____	_____
.1) Review Reg. § 20.2031-2 and Rev. Ruls. 59-60 and 68-609 for valuation guidance.	_____	_____	_____
.2) Ascertain whether there have been sales of shares of stock or other company securities within a reasonable time period prior to or subsequent to death, and if so, determine the sales price and other information.	_____	_____	_____
.3) Consider the availability of marketability, minority and other valuation discounts.	_____	_____	_____
.4) Ascertain whether a restricted transfer agreement (or other provision restricting transferability of the security) or a buy-sell agreement exists, and if so, whether its provisions affect estate tax value.	_____	_____	_____
.5) Determine whether there is an estate freeze transaction in effect. If so, determine and document the likely impact of various reporting positions on the return.	_____	_____	_____

UNITED STATES ESTATE (AND GENERATION-SKIPPING TRANSFER)
TAX RETURN PREPARATION AND REVIEW CHECKLIST
FORM 706 As Revised April 1997
For Decedents Dying after October 8, 1990

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.6) Consider hiring an appraiser and review his/her valuation methodology.	_____	_____	_____
600) SCHEDULE C—MORTGAGES, NOTES AND CASH			
601) For joint accounts, determine amount includible in gross estate. Determine whether to report on Schedule E (checklist item #801.)	_____	_____	_____
602) Calculate accrued interest to date of death on interest-bearing instruments.	_____	_____	_____
603) Determine value of mortgages and notes receivable (presumed to be face amount unless discount factors present). Calculate accrued interest to date of death.	_____	_____	_____
604) If any outstanding checks are for gifts made by the decedent, determine whether these funds may be excluded from the gross estate.	_____	_____	_____
605) Inquire about any self-canceling installment sale notes. Such notes may be excludable from the decedent's gross estate.	_____	_____	_____
606) Convert foreign accounts or currency into U.S. equivalent as of the date of death or alternate valuation date, whichever is applicable.	_____	_____	_____
607) Ascertain the amount of cash on hand and/or undeposited checks at death.	_____	_____	_____
700) SCHEDULE D—LIFE INSURANCE ON DECEDENT'S LIFE			
701) Procure Form 712 for each life insurance policy on the decedent's life.	_____	_____	_____
702) With respect to life insurance on the decedent's life other than insurance payable to the decedent's estate, determine what, if any, incidents of ownership the decedent possessed at the time of death.	_____	_____	_____
703) If life insurance is held in trust, determine whether death proceeds are includible in the estate under § 2035 through § 2042.	_____	_____	_____
704) Inquire whether life insurance is owned by a closely-held corporation in which the decedent held more than 50% of the voting power and determine whether it is includible in the gross estate as a separate item, or whether it should be reflected in the valuation of the corporation.	_____	_____	_____

UNITED STATES ESTATE (AND GENERATION-SKIPPING TRANSFER)
TAX RETURN PREPARATION AND REVIEW CHECKLIST
FORM 706 As Revised April 1997
For Decedents Dying after October 8, 1990

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
705) Determine whether split-dollar insurance is includible in the estate. (If decedent is controlling shareholder, review Rev. Rul. 78-420.)	_____	_____	_____
706) Inquire whether there is group term life insurance and ascertain whether it is includible.	_____	_____	_____
707) If decedent paid premiums on assigned life insurance policies, determine the effect, if any, on includibility in the estate.	_____	_____	_____
708) If decedent transferred a life insurance policy on his or her life within three years of death, determine whether the proceeds are included in the gross estate. The transfer could involve one or more incidents of ownership.	_____	_____	_____
 800) SCHEDULE E—JOINTLY OWNED PROPERTY			
801) For property owned as community property, or as tenants in common, determine that appropriate interests are included on the applicable schedules other than Schedule E.	_____	_____	_____
802) Determine correct description of property and type of joint interest.	_____	_____	_____
803) Ascertain source of funds for acquisition of jointly-owned property (unless spouse is the only other joint owner) and document. (Presumption is that 100% of consideration is attributable to decedent.)	_____	_____	_____
 900) SCHEDULE F—MISCELLANEOUS PROPERTY			
901) Determine whether the decedent had any rights(s) to payments for services performed prior to death, such as rights to accrued salary, accrued vacation pay, and nonqualified deferred compensation. Note that payments receivable at time of death may be eligible for the income tax deduction for estate tax attributable to income in respect of a decedent under § 691.	_____	_____	_____
902) Include appropriate value of life insurance on the life of another (obtain Form 712).	_____	_____	_____
903) Review personal property insurance policies to identify includible items.	_____	_____	_____
904) Determine whether other miscellaneous items are includible, such as:			
.1) Decedent's share of federal, state, local or foreign income tax overpayment. (See Reg. § 20.2053-6(f).)	_____	_____	_____

UNITED STATES ESTATE (AND GENERATION-SKIPPING TRANSFER)
TAX RETURN PREPARATION AND REVIEW CHECKLIST
FORM 706 As Revised April 1997
For Decedents Dying after October 8, 1990

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.2) Prepaid items.	_____	_____	_____
.3) Decedent's after-tax contributions to qualified plans.	_____	_____	_____
.4) Vehicles, boats, and other similar property.	_____	_____	_____
.5) Personal belongings.	_____	_____	_____
.6) Rent, royalty, interest (other than bond interest), and trust income accrued but unpaid at death.	_____	_____	_____
.7) Non-mineral royalties and leaseholds.	_____	_____	_____
.8) Undistributed contributions and earnings in a qualified state tuition program (SBJPA 1996).	_____	_____	_____
905) Inquire whether the decedent held an interest in a sole proprietorship, partnership, or joint venture. Review Reg. § 20.2031-3 for guidance.	_____	_____	_____
.1) Ascertain whether there have been sales of an interest in the partnership in which the decedent had an interest within a reasonable period prior to or subsequent to death. If so, determine the sale price and other relevant information.	_____	_____	_____
.2) Consider the availability of marketability, minority and other valuation discounts.	_____	_____	_____
.3) Ascertain whether any restricted transfer agreement (or other provision restricting transferability of the security) or a buy-sell agreement exists, and if so, whether its provisions affect the estate tax value.	_____	_____	_____
.4) Inquire as to whether there is an estate freeze transaction in effect. If so, determine the likely impact of various reporting positions on the return, and document.	_____	_____	_____
906) Include decedent's interest in qualified terminable interest property (for which a valid QTIP election was made earlier at spouse's death.)	_____	_____	_____
.1) Check for partial QTIP election.	_____	_____	_____
.2) Include accrued and undistributed income, if governing instrument requires distribution to decedent's estate.	_____	_____	_____

UNITED STATES ESTATE (AND GENERATION-SKIPPING TRANSFER)
TAX RETURN PREPARATION AND REVIEW CHECKLIST
FORM 706 As Revised April 1997
For Decedents Dying after October 8, 1990

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
907) Review will or other documents (e.g., revocable trust) for transfers of specific assets and determine whether identified property was owned at death.	_____	_____	_____
1000) SCHEDULE G—TRANSFERS DURING LIFE			
1001) Determine if gift tax was paid on gifts made within three years before death. The gift tax is includible if the decedent paid the gift tax, even if the decedent's spouse was the actual donor. (See PLR 9642001.)	_____	_____	_____
1002) Note lifetime transfers (other than outright transfers not in trust and bona fide sales) of decedent in Schedule G, whether or not includible in the gross estate. Attach copies of applicable documents.	_____	_____	_____
1003) Review trusts for power of grantor to change trustee. If trustee is not bound to ascertainable standard for distributions, the trust assets could be includible (Rev. Rul. 79-353).	_____	_____	_____
1004) Notify donee of basis of includible gifts made within three years of death (§ 2035(d)(2)).	_____	_____	_____
1005) Inquire about gifts with retained interests made by decedent. Value at date of death, even if not owned by donee.	_____	_____	_____
1006) Review rules for inclusion of gifts for which gift splitting was elected.	_____	_____	_____
1100) SCHEDULE H—POWERS OF APPOINTMENT			
1101) Review rules on valuation of property over which the decedent held a general power, including any partial interest (Reg. § 20.2041-3).	_____	_____	_____
1102) Check for "5 and 5 powers" (see § 2041(b)(2)) which existed for the entire year of death and caused the property subject to the power to be included in the gross estate as a result of the power not having lapsed at death.	_____	_____	_____
1200) SCHEDULE I—ANNUITIES AND RETIREMENT BENEFITS			
1201) Determine whether any annuities can be excluded under the transitional rules of TEFRA and the Revenue Act of 1984.	_____	_____	_____
1202) Verify amount of benefit includible. Include amounts attributable to employer contributions to retirement plans. Amounts attributable			

UNITED STATES ESTATE (AND GENERATION-SKIPPING TRANSFER)
TAX RETURN PREPARATION AND REVIEW CHECKLIST
FORM 706 As Revised April 1997
For Decedents Dying after October 8, 1990

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
to employee after-tax contributions should be listed on Schedule F (checklist item # 904.3.)	_____	_____	_____
1300) SCHEDULE J—ADMINISTRATION EXPENSES			
1301) Inquire as to funeral expenses advanced to the estate by others.	_____	_____	_____
1302) Ascertain whether funeral expenses are to be reduced for VA benefits and for social security death benefits payable to other than decedent's spouse.	_____	_____	_____
1303) Inquire as to whether attorney, accountant and/or executor fees will be paid, agreed to, or estimated.	_____	_____	_____
1304) Consult will or other governing instruments and applicable state law for provisions regarding executor fees and other professional fees.	_____	_____	_____
1305) If there are co-executors, determine whether each will receive an executor fee and determine the amount.	_____	_____	_____
1306) Consider deduction of § 6166 interest on installment payment of estate tax. Note Rev. Proc. 81-27 for guidance on filing of supplemental returns.	_____	_____	_____
1307) Determine whether to deduct administrative expenses (e.g., professional fees, property taxes, interest expense) on Form 706 or the estate's Form 1041.	_____	_____	_____
1308) Determine that all expenses included on Schedule J are reasonable, taking into account applicable state law.	_____	_____	_____
1309) Deduct interest paid on funds borrowed to pay death taxes and post-death interest on Federal and State income tax deficiencies if incurred with respect to contesting tax liabilities.	_____	_____	_____
1310) Consider deducting the cost of maintaining or storing estate property.	_____	_____	_____
1400) SCHEDULE K—DEBTS OF DECEDENT, MORTGAGES AND LIENS			
1401) Reference real property indebtedness to the Schedule A, E, F, G, or H asset to which it relates.	_____	_____	_____
1402) Review items which may also be deducted for federal income tax purposes (deductions in respect of decedent).	_____	_____	_____

UNITED STATES ESTATE (AND GENERATION-SKIPPING TRANSFER)
TAX RETURN PREPARATION AND REVIEW CHECKLIST
FORM 706 As Revised April 1997

For Decedents Dying after October 8, 1990

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
1403) Determine if gift or income tax was payable at death. See Reg. § 20.2053-6(f), for allocation of income tax liability of the decedent and surviving spouse for joint return for the year of death.	_____	_____	_____
1404) Consider the support or alimony obligation of decedent under divorce decree or settlement.	_____	_____	_____
1405) Consider listing on Schedule K amounts relating to contingent liabilities, such as pending or threatened litigation.	_____	_____	_____
1500) SCHEDULE L—NET LOSSES DURING ADMINISTRATION AND EXPENSES INCURRED IN ADMINISTERING PROPERTY NOT SUBJECT TO CLAIMS			
1501) Include casualty losses not taken on the federal income tax return for the estate. Include at value used for federal estate tax return purposes.	_____	_____	_____
1502) Include expenses for settlement of title or collection of assets not included in decedent's probate estate. (Do not include expenses incurred on behalf of beneficiaries; see Reg. § 20.2053-8.)	_____	_____	_____
1503) Determine details of payments and maintain documentation. Note that the time limit on deductible payment is the applicable period of limitations on assessment of estate tax (§ 6501).	_____	_____	_____
1600) SCHEDULE M—BEQUESTS TO SURVIVING SPOUSE			
1601) Identify and document all probate property passing to the surviving spouse.	_____	_____	_____
1602) Identify and document all non-probate property which passes to the surviving spouse (e.g., life insurance, employee plan death benefits and certain jointly-owned property).	_____	_____	_____
1603) Determine and document whether the marital property bears any part of the taxes, debts or administrative expenses of the estate under the terms of the decedent's will or other governing document.	_____	_____	_____
1604) For decedents dying after August 5, 1997, consider TRA 1997 requirements waiving right of recovery of estate tax attributable to the inclusion of QTIP property and/or property includible under § 2036.	_____	_____	_____
1605) Consider using a qualified disclaimer to expand or reduce the marital deduction of the estate. Review § 2518 and applicable state law.	_____	_____	_____

UNITED STATES ESTATE (AND GENERATION-SKIPPING TRANSFER)
TAX RETURN PREPARATION AND REVIEW CHECKLIST
FORM 706 As Revised April 1997
For Decedents Dying after October 8, 1990

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
1606) Determine whether the will creates a limited marital deduction under a "maximum marital deduction" formula clause in light of the transitional rule of ERTA '81, § 403(e).	_____	_____	_____
1607) If a QTIP election is to be made:			
.1) Determine values and document.	_____	_____	_____
.2) Consider election of only a fractional or percentage share. Reg. § 20.2056(b)-7(b)(2).	_____	_____	_____
.3) Insure proper treatment on Schedule M.	_____	_____	_____
1608) If the surviving spouse is not a U.S. citizen, then additional requirements must be met before a marital deduction is available. See Qualified Domestic Trust (QDOT) rules of § 2056A. (Note review TRA 1997 modified trust rules.)	_____	_____	_____
1700) SCHEDULE O—CHARITABLE PUBLIC AND SIMILAR GIFTS AND BEQUESTS			
1701) Identify and document items passing under the will or other governing instrument to qualified charities.	_____	_____	_____
1702) Review the will or other governing instruments giving rise to charitable deductions involving charitable split-interest trusts or bequests.	_____	_____	_____
1703) Determine whether charitable gifts or bequests bear any of the estate's taxes, debts, or administrative expenses.	_____	_____	_____
1704) Consider using a qualified disclaimer to expand or reduce the charitable deduction of the estate. Review § 2518 and applicable state law.	_____	_____	_____
1705) Determine whether charitable split-interest trust requires reformation in order to obtain estate tax charitable deduction.	_____	_____	_____
1706) Obtain certified copies of all recorded documents for all lifetime transfers to be listed. If document of transfer was not recorded, obtain verified copies.	_____	_____	_____
1800) SCHEDULE P—CREDIT FOR FOREIGN DEATH TAXES			
1801) Obtain and complete Form(s) 706CE for foreign death tax credit claim. (Note: a U.S. possession is treated as a foreign country.)	_____	_____	_____

UNITED STATES ESTATE (AND GENERATION-SKIPPING TRANSFER)
TAX RETURN PREPARATION AND REVIEW CHECKLIST
FORM 706 As Revised April 1997

For Decedents Dying after October 8, 1990

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
1802) Consider whether to claim credit or deduction as administration expense.	_____	_____	_____
1803) Consult applicable treaty for possible additional credit available.	_____	_____	_____
1804) Calculate credit under each available alternative to determine best result.	_____	_____	_____
1900) SCHEDULE Q—CREDIT FOR PRIOR TRANSFERS			
1901) Determine if decedent acquired property within the ten year period ending with death or received property from a transferor who died within two years after decedent's death. If so, obtain a copy of the transferor's estate tax return in order to calculate the credit.	_____	_____	_____
1902) Review the definition of "property" (§ 2013(e)) received by the decedent for purposes of claiming the credit.	_____	_____	_____
1903) Determine if credit is available if the transferee (decedent) was the transferor's spouse and the marital deduction was allowed to the transferor's estate for the property.	_____	_____	_____
1904) Determine if transferor's estate elected special use valuation and became subject to the additional estate tax of § 2032A(c) as a result of its disposition or cessation of qualified use at any time up to two years after the death.	_____	_____	_____
1905) Review § 2056(d)(3) for specific rules allowing a credit for certain transfers to a spouse who was not a U.S. citizen when the property passed outright to the spouse, or to a QDOT.	_____	_____	_____
1906) If property was acquired from more than one transferor, calculate allowable credit separately with respect to each transferor.	_____	_____	_____
2000) SCHEDULES R AND R-1—GENERATION-SKIPPING TRANSFER (GST) TAX			
2001) Review copies of trusts (and related tax returns), life insurance policies or other lifetime arrangements which decedent created for generation-skipping provisions.	_____	_____	_____
2002) Review lifetime transfers and determine if the GST tax implications have been properly reflected on gift tax returns filed by the decedent (and the decedent's spouse and/or former spouses), considering the allocation of the decedent's one-time \$2 million per grandchild exclusion (for certain transfers made before January 1, 1990) and the \$1 million lifetime exemption under § 2631.	_____	_____	_____

UNITED STATES ESTATE (AND GENERATION-SKIPPING TRANSFER)
TAX RETURN PREPARATION AND REVIEW CHECKLIST
FORM 706 As Revised April 1997
For Decedents Dying after October 8, 1990

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.1) If a deemed allocation under § 2632(b) occurred with respect to certain transfers (made before January 1, 1990) not reported on gift tax returns, determine the impact on the \$2 million exclusion.	_____	_____	_____
.2) If allocation of the \$1 million lifetime exemption was not made on a timely filed gift tax return or deemed made under § 2632 (b)(1), determine that values at the time of allocation are calculated and that a filing is made to allocate such amount per § 2642(b)(3).	_____	_____	_____
2003) If decedent was incompetent at death, inquire when the decedent became incompetent. Review the transitional rules which exempt from tax certain transfers occurring at death where the decedent was incompetent on October 22, 1986 and continually thereafter until death.	_____	_____	_____
2004) If decedent created an irrevocable trust before September 26, 1985, determine whether additions to the trust (actual or constructive) were made after September 25, 1985.	_____	_____	_____
2005) Review trusts created after September 25, 1985 which have received property from trusts created before that date through the exercise of a special power of appointment. Grandfathering of an exemption from tax liability may arise under Reg. § 26.2601-1(b)(4) and Reg. § 26.2601-1(b)(1)(v)(B).	_____	_____	_____
2006) Determine whether a "reverse qualified terminable interest property election" under § 2652(a)(3) should be made to treat the decedent as a transferor for GST tax purposes for marital transfers for which a QTIP election was made under § 2056(b)(7). Review formulas for reverse QTIP elections and separate marital trusts created thereby. (Note election is made by listing the qualifying property on line 9 of Part I of Schedule R.)	_____	_____	_____
2007) Determine whether a "reverse qualified terminable interest property election" was made by decedent's predeceased spouse, and an allocation of the GST tax exemption made on such spouse's estate tax return.	_____	_____	_____
.1) Determine whether estate tax payment from a source outside the decedent's estate (e.g., insurance trust) is a constructive addition to this otherwise exempt amount.	_____	_____	_____
.2) If no such election was made for QTIP property in which the decedent had a qualifying income interest for life, consider	_____	_____	_____

UNITED STATES ESTATE (AND GENERATION-SKIPPING TRANSFER)
TAX RETURN PREPARATION AND REVIEW CHECKLIST
FORM 706 As Revised April 1997
For Decedents Dying after October 8, 1990

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
whether the decedent's GST tax exemption under § 2631 should be allocated to the trust.	_____	_____	_____
2008) Consider impact on the tax calculation of use of alternate valuation election under § 2032.	_____	_____	_____
2009) Consider impact on the tax calculation of the use of the special use valuation election under § 2032A.	_____	_____	_____
2010) Determine if there was consideration paid by the donee in a generation-skipping transfer which would reduce the amount subject to GST tax.	_____	_____	_____
2011) Review life insurance trusts and other trusts created after March 31, 1988 to determine whether trust's use of "Crummey powers" to create nontaxable gifts for gift tax purposes will also be eligible for the annual exclusion for GST tax purposes (§ 2642(c)).	_____	_____	_____
2012) Determine the amount of GST tax exemption used in the payment of insurance premiums.	_____	_____	_____
2013) Review charitable lead annuity trusts created after September 25, 1985 for GST tax impact on the computation of the exclusion ratio, and consider the impact on the inclusion ratio of property transferred to the trust after October 13, 1987 under § 2642(e).	_____	_____	_____
2014) Review transfers to persons unrelated to the decedent who are more than 37½ years younger to determine whether allocation of the GST tax exemption under § 2631 should be made (§ 2651(d)).	_____	_____	_____
2015) Review the consequences of qualified disclaimer(s) on potential GST tax transfers. Consider the use of a qualified disclaimer to maximize the decedent's GST tax exemption. Review § 2518 and applicable state law.	_____	_____	_____
2016) Determine whether transferred property (which would otherwise be a generation skipping transfer) was not previously subject to gift tax. Under certain circumstances, such transfers are not GST tax transfers under § 2611(b).	_____	_____	_____
2017) Determine whether the GST tax allocation is appropriate for a grantor retained interest trust where the grantor died during the term of the trust.	_____	_____	_____
2018) Consider use of the GST tax exemption for a credit shelter trust or a charitable remainder trust, whichever is applicable, as well as a general review of the proper allocation of any remaining exemption.	_____	_____	_____

UNITED STATES ESTATE (AND GENERATION-SKIPPING TRANSFER)
TAX RETURN PREPARATION AND REVIEW CHECKLIST
FORM 706 As Revised April 1997
For Decedents Dying after October 8, 1990

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
2019) If a pecuniary formula marital deduction bequest is made, consider applicability of the GST tax where the decedent's estate appreciated between the date of death and the date of funding. Funding under these circumstances is to occur using date of death values.	_____	_____	_____
2100) SCHEDULE S—INCREASED ESTATE TAX ON EXCESS RETIREMENT ACCUMULATIONS (Repealed for decedents dying after 1996 - TRA 1997.)			
2101) If the decedent had an interest in a qualified plan, SEP, IRA, or tax-sheltered annuity, with death benefits attributable to pretax contributions, determine amount so attributable. Obtain the last Form 8606 filed by the decedent and other information to determine after- tax contributions.	_____	_____	_____
2102) Ascertain whether the decedent made the grandfather election (with 1987 or 1988 federal income tax return) which affects the calculation of the excess accumulation.	_____	_____	_____
2103) Determine if at least 99% of all benefits from all applicable plans are payable to the decedent's surviving spouse. If so, the surviving spouse may elect to postpone the tax until he or she collects the benefits. The surviving spouse's signed election must be attached to the Form 706.	_____	_____	_____
2104) For the purpose of calculating the hypothetical life annuity, ascertain the federal rate to be used to value the base amount. The rate is announced monthly in the Internal Revenue Bulletin.	_____	_____	_____
2105) Determine if decedent's estate includes retirement amounts previously included in decedent's spouse's estate for which the executor elected to postpone the excise tax, and calculate tax on unpaid amounts at decedent's death.	_____	_____	_____
2200) MISCELLANEOUS			
2201) Verify that all executors or other personal representatives have signed the return.	_____	_____	_____
2202) Consider notifying all interested parties, such as partnerships and beneficiaries, of estate tax values.	_____	_____	_____
2203) Consider drafting transmittal letter to IRS and/or state(s). Note proper IRS and state processing centers.	_____	_____	_____
2204) Consider § 2204 election to limit exposure to federal estate tax by personal representative.	_____	_____	_____

UNITED STATES ESTATE (AND GENERATION-SKIPPING TRANSFER)
TAX RETURN PREPARATION AND REVIEW CHECKLIST
FORM 706 As Revised April 1997
For Decedents Dying after October 8, 1990

COMMENTS OR
EXPLANATION

DONE

N/A

2205) Consider new expatriation provisions in §§ 2107(a), 2107(b)(2),
2107(c)(2) and (c)(3) and 2501(a)(3) (HIPAA 1996).

2300) AUDIT TRIGGER REMINDERS

- Substantial real estate holdings.
- Closely held stock.
- Life insurance excluded from the estate.
- Jointly held (other than with spouse) property excluded, in whole or part, from the estate.
- Miscellaneous personal property.
- Transfers within three years of death.
- Alternate valuation.
- Special use valuation.
- Family limited partnerships.
- Valuation discounts of business interests.
- Discounts for potential environmental cleanup costs.

COMMENTS OR PLANNING SUGGESTIONS

U.S. GIFT (AND GENERATION-SKIPPING TRANSFER)
TAX RETURN CHECKLIST
FORM 709 As Revised December 1996
For Gifts Made After December 31, 1991

Client Name and Number: _____

Prepared by: _____ Date: _____ Reviewed by: _____ Date: _____

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
100) GENERAL INFORMATION			
101) Determine if the taxpayer (donor) is required to file a gift tax return for transfers such as:	_____	_____	_____
.1) Gift to donee of a present interest in property with a value in excess of \$10,000 except:	_____	_____	_____
.a) Transfers to political organizations.	_____	_____	_____
.b) Tuition at a qualified educational institution and medical expenses paid directly by the donor.	_____	_____	_____
.c) Gifts to charities after August 5, 1997. (TRA 1997)	_____	_____	_____
.2) Gift of future interest of any amount.	_____	_____	_____
.3) Gift of <u>any</u> amount for which a gift splitting election is made.	_____	_____	_____
.4) Gift to non-US citizen spouse in excess of \$100,000.	_____	_____	_____
.5) Gift to non-US citizen spouse of a terminable interest (regardless of amount). Note exception for certain life estates with a power of appointment.	_____	_____	_____
.6) Gift of qualified terminable interest property (QTIP) of any amount.	_____	_____	_____
.7) Gift by nonresident, non-US citizen, of tangible US situs property in excess of limitations previously described. Note special rule that taxes gifts of intangible property in certain cases.	_____	_____	_____
.8) Gift of intangible property by nonresident who terminated U.S. citizenship or residency within the 10 year period ending on the date of transfer (HIPAA 1996).	_____	_____	_____
102) If the return is being prepared for deceased donor, ascertain proper due date if donor died prior to July 15 of the gift year.	_____	_____	_____

U.S. GIFT (AND GENERATION-SKIPPING TRANSFER)
TAX RETURN CHECKLIST
FORM 709 As Revised December 1996
For Gifts Made After December 31, 1991

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR</u> <u>EXPLANATION</u>
103) If donor is married:			
.1) Determine if gifts are to be treated as "split" with donor's spouse. (Note that spouse's consent is required.)	_____	_____	_____
.2) If the election is to be made, determine if a separate Form 709 is required.	_____	_____	_____
104) Determine if taxpayer is eligible to file Form 709-A.	_____	_____	_____
105) Attach Form 4868 or other extension request, if applicable.	_____	_____	_____
106) Determine the need to hire an appraiser(s). Appraisals involving real estate should consider the potential applicability of discounts for fractional interests (including costs of partition) and for potential environmental law exposure. Appraisals involving businesses should consider the potential applicability of discounts for minority interests, blockage, and contractual or statutory restrictions on transferability.	_____	_____	_____
107) "Check the box" and attach computation and related support for any gifts where a valuation discount is taken.	_____	_____	_____
108) Consider the potential gift tax implications of the following:			
.1) Lapse or release of a general power of appointment.	_____	_____	_____
.2) Formation or recapitalization of a closely-held corporation or a partnership.	_____	_____	_____
.3) Creation or transfer of below market interests in light of § 7520.	_____	_____	_____
109) Consider having the donee execute a qualified disclaimer of the gifted property to remove the property from his or her gross estate.	_____	_____	_____
200) SCHEDULE A—COMPUTATION OF TAXABLE GIFTS			
201) Determine if transfers were made to grandchildren or other "skip" persons.	_____	_____	_____
202) If transfers were made to a trust:			
.1) Attach a copy of the trust document to Form 709.	_____	_____	_____

U.S. GIFT (AND GENERATION-SKIPPING TRANSFER)
TAX RETURN CHECKLIST
FORM 709 As Revised December 1996
For Gifts Made After December 31, 1991

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.2) Obtain trust's TIN and required information about trust's beneficiaries.	_____	_____	_____
203) For real estate, attach a copy of the appraisal and the legal description for each parcel.	_____	_____	_____
204) For an interest in a closely-held business, attach the required financial data and an appraisal or calculation of the per share value.	_____	_____	_____
205) Consider the special valuation rules and elections pursuant to § 2701 for transfers of certain interests in corporations and partnerships.	_____	_____	_____
206) Consider the special valuation rules of § 2702 for transfers in trust.	_____	_____	_____
207) For publicly traded stock, include number of shares, common or preferred and CUSIP number, if available.	_____	_____	_____
208) For notes, include name of maker, maturity date, principal amount, unpaid principal, interest rate, compounding (yes or no) and date to which interest has been paid.	_____	_____	_____
209) For life insurance policies, include insurer, policy number and a completed Form 712—Life Insurance Statement.	_____	_____	_____
210) Consider the availability of marketability, minority and other valuation discounts (checklist item #107).	_____	_____	_____
300) SCHEDULE B—GIFTS FROM PRIOR PERIODS			
301) Obtain and review prior gift tax returns.	_____	_____	_____
302) Inquire as to the existence of prior unreported gifts. Consider the need to file delinquent returns.	_____	_____	_____
303) If prior taxable gifts were unreported, recalculate the amount of unified credit claimed.	_____	_____	_____
400) SCHEDULE C—GENERATION SKIPPING TRANSFER (GST) TAX			
401) Determine if the gift tax exclusion is allowable.	_____	_____	_____
402) Review returns after 1985 for use of the GST tax exemption (one million dollars).	_____	_____	_____
403) Consider confirming with client, preferably in writing, whether the GST tax exemption should be allocated to current gifts. Note that			

U.S. GIFT (AND GENERATION-SKIPPING TRANSFER)
TAX RETURN CHECKLIST
FORM 709 As Revised December 1996
For Gifts Made After December 31, 1991

<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
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the GST tax exemption is automatically allocated to inter vivos direct skips unless the donor elects to the contrary. To elect out, Form 709 must be filed with the appropriate election attached.

_____	_____	_____
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500) OTHER REQUIREMENTS

501) Consider disclosure of all gifts in order to start the statute of limitations with respect to such gifts.

_____	_____	_____
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502) Consider state gift tax return filing requirements.

_____	_____	_____
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503) Consider need to file information return for gifts after 8/20/96 received by U.S. persons from foreign donors under § 6039F (HIPAA 1996).

_____	_____	_____
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COMMENTS OR PLANNING SUGGESTIONS:

TAX-EXEMPT ORGANIZATION CHECKLIST

The checklists developed by the Committee are contained on the following pages. They are intended to highlight certain items critical to the preparation of the return without reiterating the detailed instructions provided by the I.R.S.

The Committee has also prepared an Organizer for Tax Exempt Organizations which is a good source for more detailed information necessary to prepare Form 990. The Organizer can be used to gather the necessary information from the client as well as to assist the preparer in completion of the return.

The organizer is located in the Practice Guides section of the materials.



MINI-CHECKLIST
RETURN OF ORGANIZATION EXEMPT FROM INCOME TAX
1997 - FORM 990

Client Name and Number: _____

Prepared by: _____ Date: _____ Reviewed by: _____ Date: _____

	<u>Done</u>	<u>N/A</u>		<u>Done</u>	<u>N/A</u>
GENERAL INFORMATION			UBIT GENERAL INFORMATION		
1. Review prior year returns, workpapers, correspondence, planning suggestions and audit results.	<input type="checkbox"/>	<input type="checkbox"/>	1. Determine if there is an unrelated trade or business.	<input type="checkbox"/>	<input type="checkbox"/>
2. Review IRS determination letter.	<input type="checkbox"/>	<input type="checkbox"/>	2. Determine if a partnership or S Corporation (SBJPA 1996) interest is owned.	<input type="checkbox"/>	<input type="checkbox"/>
3. Review activities for exempt qualification (see '96 TBR for changes to private inurement provisions).	<input type="checkbox"/>	<input type="checkbox"/>	3. Determine if there is debt financed property.	<input type="checkbox"/>	<input type="checkbox"/>
4. Consider engagement letter.	<input type="checkbox"/>	<input type="checkbox"/>	4. Review royalty agreements.	<input type="checkbox"/>	<input type="checkbox"/>
5. Consider filing 990-EZ.	<input type="checkbox"/>	<input type="checkbox"/>	5. Complete Form 990-T Checklist if any of the above exist.	<input type="checkbox"/>	<input type="checkbox"/>
6. Consider \$25,000 gross receipts test.	<input type="checkbox"/>	<input type="checkbox"/>	MISCELLANEOUS		
7. Determine if a private foundation required to file 990-PF.	<input type="checkbox"/>	<input type="checkbox"/>	1. Verify that statements in Parts III & VIII correspond.	<input type="checkbox"/>	<input type="checkbox"/>
8. Determine if there are related organizations.	<input type="checkbox"/>	<input type="checkbox"/>	2. Inquire if required information returns were filed.	<input type="checkbox"/>	<input type="checkbox"/>
9. Consider any change in activities.	<input type="checkbox"/>	<input type="checkbox"/>	3. Inquire if employment taxes paid/timely deposited.	<input type="checkbox"/>	<input type="checkbox"/>
10. Consider filing a group return.	<input type="checkbox"/>	<input type="checkbox"/>	4. Review independent contractor arrangements.	<input type="checkbox"/>	<input type="checkbox"/>
11. Determine if state return or registration is required.	<input type="checkbox"/>	<input type="checkbox"/>	5. Consider a 501(h) election for lobbying expenditures.	<input type="checkbox"/>	<input type="checkbox"/>
REVENUE/EXPENSES			6. For lobbying expenses, inquire whether the organization has elected to pay the proxy tax or report the unallowable portion to members.	<input type="checkbox"/>	<input type="checkbox"/>
1. List all officers, directors, advisors, consultants and compensation, if any.	<input type="checkbox"/>	<input type="checkbox"/>	7. Determine if Form 8282 is required for sales of donated property.	<input type="checkbox"/>	<input type="checkbox"/>
2. List program services rendered and revenue therefrom.	<input type="checkbox"/>	<input type="checkbox"/>	8. Determine, and disclose taxes paid, relative to excess benefit transactions, excess expenditures to influence legislation, disqualifying lobbying or excess political expenditures. (TBR 1996)	<input type="checkbox"/>	<input type="checkbox"/>
3. Ensure that cash method of accounting is used in Schedule A, Part IV.	<input type="checkbox"/>	<input type="checkbox"/>	9. Inquire if organization wants to establish a 401(k) plan.	<input type="checkbox"/>	<input type="checkbox"/>
4. Determine if donated services and facilities are excluded from Parts I and II.	<input type="checkbox"/>	<input type="checkbox"/>	10. Determine if a series 5500 form is required.	<input type="checkbox"/>	<input type="checkbox"/>
5. Verify that the contribution portion of receipts from fundraising is reported on line 1a.	<input type="checkbox"/>	<input type="checkbox"/>	11. Inquire if required contemporaneous substantiations were provided on donations of \$250 or more.	<input type="checkbox"/>	<input type="checkbox"/>
6. Break out expenses for line 9b that have been netted in the financial statements.	<input type="checkbox"/>	<input type="checkbox"/>	12. Inquire if required statement was provided to donor for <i>quid pro quo</i> contribution over \$75 received.	<input type="checkbox"/>	<input type="checkbox"/>
7. Complete Part IV A & B if the organization has adopted SFAS 116 and 117.	<input type="checkbox"/>	<input type="checkbox"/>	13. Attach extension requests.	<input type="checkbox"/>	<input type="checkbox"/>
8. Update permanent file schedule of cost for investments that are carried at market.	<input type="checkbox"/>	<input type="checkbox"/>	14. Prepare filing instructions/transmittal (Note all returns now filed in Ogden).	<input type="checkbox"/>	<input type="checkbox"/>
BALANCE SHEET			15. Note tax planning suggestions.	<input type="checkbox"/>	<input type="checkbox"/>
1. Attach schedule reconciling opening balance sheet if changes made for SFAS 117.	<input type="checkbox"/>	<input type="checkbox"/>	16. Update permanent file schedule of cumulative contributions by donor.	<input type="checkbox"/>	<input type="checkbox"/>
2. Cross reference net assets to page 1.	<input type="checkbox"/>	<input type="checkbox"/>	17. Advise client to make annual information returns available for public inspection for 3 years from from filing date. (TBR 1996)	<input type="checkbox"/>	<input type="checkbox"/>

RETURN OF ORGANIZATION EXEMPT FROM INCOME TAX CHECKLIST
1997 - FORM 990

Client Name and Number: _____

Prepared by: _____ Date: _____ Reviewed by: _____ Date: _____

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
100) GENERAL INFORMATION			
101) Review for correctness and changes in the organization's name, address, fiscal year, identification number, type of organization, and IRS and state processing center. Note changes.	_____	_____	_____
102) Review prior year returns, memos, workpapers and correspondence, planning suggestions and audit results.	_____	_____	_____
103) Review permanent file and IRS determination letter.	_____	_____	_____
104) Consider obtaining a signed engagement letter.	_____	_____	_____
105) Determine if accounting methods used are comparable to the preceding year unless changes are approved or required. (If SFAS 116 and 117 has been adopted by the client review Notice 96-30.)	_____	_____	_____
106) Inquire whether the organization has made or received any below-market-rate loans. If so, determine imputed interest consequences.	_____	_____	_____
107) If the organization has been examined by the Internal Revenue Service or state taxing authorities:			
.1) Obtain copies of the revenue agent's reports.	_____	_____	_____
.2) Determine if the agent's adjustments affect returns for years other than those audited.	_____	_____	_____
200) DETERMINE THE APPROPRIATE FORMS TO FILE			
201) If the organization is exempt from tax under § 501(a), review the IRS list of organizations excepted from filing annual returns.	_____	_____	_____
202) Determine if the organization meets the \$25,000 gross receipts filing requirement test.	_____	_____	_____
203) Determine whether the organization is eligible to file Form 990-EZ.	_____	_____	_____
204) Determine whether the organization is a private foundation required to file Form 990-PF.	_____	_____	_____

RETURN OF ORGANIZATION EXEMPT FROM INCOME TAX CHECKLIST
1997 - FORM 990

DONE N/A COMMENTS OR
EXPLANATION

205) If the organization is a nonexempt charitable trust (described in § 4947(a)(1)), determine if:

.1) The organization is treated as a private foundation, required to file Form 990-PF.

.2) Form 1041 is required.

206) Consider filing a group return.

207) Determine if a state return or registration statement is required. (Note that fundraising in some states may result in a state filing requirement.)

208) For § 501(c)(3) organizations, complete Schedule A.

209) For § 501(c)(7) organizations, determine whether the organization satisfies the gross receipts test required for maintaining its exemption.

210) For § 501(c)(12) organizations, determine whether the organization satisfies the gross income test necessary for exempt status.

300) REVENUE

301) Contributions:

.1) Determine that grants received as payment for services are reported as program service revenue and not as contributions.

.2) Inquire about contributions received in a form other than cash.

(a) Determine that donated services, materials, or facilities are excluded in Parts I & II.

(b) For any noncash contribution that is subject to an outstanding debt, determine that the asset has been recorded at its full market value and that the debt has been recorded as a liability.

(c) For other noncash contributions, determine that the contributions have been reported at their market value as of the date of the contribution.

RETURN OF ORGANIZATION EXEMPT FROM INCOME TAX CHECKLIST
1997 - FORM 990

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.3) When classifying contributions for reporting purposes, determine that:			
(a) Membership dues and assessments representing contributions rather than payments for benefits received are reported as direct public support.	_____	_____	_____
(b) The contribution portion of receipts from fundraising activities is reported as direct public support.	_____	_____	_____
(c) Contributions received from other closely associated organizations are reported as indirect public support.	_____	_____	_____
(d) Contributions received from federated fundraising agencies (such as the United Way) through general solicitation campaigns are reported as indirect public support.	_____	_____	_____
.4) Determine if schedule detailing certain contributions is required to be attached.	_____	_____	_____
.5) For a <i>quid pro quo</i> contribution in excess of \$75 received by a charitable organization, ascertain that a written statement to the donor was provided that:			
(a) informs the donor that the amount of the contribution that is deductible is limited to the excess of the amount contributed by the donor over the value of the goods or services provided, and	_____	_____	_____
(b) includes a good faith estimate of the value of goods or services received.	_____	_____	_____
.6) For contributions of \$250 or more received by a charitable organization, inquire if contemporaneous substantiation was provided to the donor.	_____	_____	_____
.7) Ensure that the cash method of accounting is used in determining the support test, Schedule A, Part IV.	_____	_____	_____
.8) Update permanent file schedule of cumulative contributions by donor.	_____	_____	_____
302) Program Service Revenue			
.1) Ascertain the organization's sources of exempt function income and determine that these sources are properly reported.	_____	_____	_____

RETURN OF ORGANIZATION EXEMPT FROM INCOME TAX CHECKLIST
1997 - FORM 990

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.2) Determine that income from program-related investments is properly reported as program service revenue.	_____	_____	_____
.3) If the organization had sales of inventory items and the organization is not a hospital, university, or college, determine that these sales are NOT reported as program service revenue.	_____	_____	_____
303) Determine that amounts received from members and affiliates that are not considered contributions are reported as membership dues and assessments.	_____	_____	_____
304) Determine that income from associates dues which are for the sale of, or provision of access to, goods or services are reported as unrelated trade or business income.	_____	_____	_____
305) Determine that investment income from debt and equity securities is reported separately from investment income from savings and temporary cash investments.	_____	_____	_____
306) Determine that any capital gain dividends are properly reported as gains from investment securities.	_____	_____	_____
307) Update permanent file schedule of cost for investments that are carried at market and determine if investment income includes mark-to-market adjustments.	_____	_____	_____
308) Determine that income or loss of an S corporation flowed through financial statements as UBTI regardless of the source or nature of such income. (SBJPA 1996)	_____	_____	_____
309) Determine that income and expense are reported at the gross amounts for items such as:			
.1) Rental of investment property.	_____	_____	_____
.2) Sales of securities.	_____	_____	_____
.3) Sales of other types of investments and all other non inventory assets.	_____	_____	_____
310) Fundraising events and activities:			
.1) Inquire about amounts received from fundraising activities that are characterized as revenue (i.e., not contributions).	_____	_____	_____
.2) Break out expenses that have been netted for financial reporting.	_____	_____	_____

RETURN OF ORGANIZATION EXEMPT FROM INCOME TAX CHECKLIST
1997 - FORM 990

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.3) If the organization had revenue from fundraising activities, consider the need to attach a schedule of detailed information.	_____	_____	_____
.4) Inquire whether the organization has retained samples of its fundraising materials.	_____	_____	_____
400) EXPENSES			
401) For § 4947(a)(1) charitable trusts and § 501(c)(3) and (4) organizations, determine that expense classifications have been segregated into the required functional expense categories.	_____	_____	_____
402) Determine that scholarship, fellowship, and research grants awarded by the organization are properly reported.	_____	_____	_____
403) Determine that salaries and wages have been properly classified between compensation paid to officers, directors, and key employees and all other compensation.	_____	_____	_____
404) Consider various depreciation methods and lives that may be used.	_____	_____	_____
405) Consider the need to attach a schedule detailing the computation of depreciation. Determine if Form 4562 is required.	_____	_____	_____
406) If the organization included in program service expenses any joint costs from a combined educational campaign and fundraising solicitation, consider the need to disclose additional information.	_____	_____	_____
407) Determine that a detailed description of the organization's four largest program services is provided along with a schedule listing the organization's other program services. The reporting of expense totals is required only for organizations required to report expenses on a functional basis.	_____	_____	_____
500) BALANCE SHEET			
501) Determine that non-interest-bearing cash accounts are segregated from interest-bearing cash and investment accounts on the balance sheet.	_____	_____	_____
502) Regarding receivables, inquire whether there are:			
.1) Pledges receivable.	_____	_____	_____

RETURN OF ORGANIZATION EXEMPT FROM INCOME TAX CHECKLIST
1997 - FORM 990

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.2) Grant receivables from governmental units, foundations, or other organizations.	_____	_____	_____
.3) Receivables from officers, directors, trustees, or key employees.	_____	_____	_____
.4) Other notes or loans receivable.	_____	_____	_____
(a) If so, determine that notes acquired as investments are separately identified and reported from notes that are program-related investments.	_____	_____	_____
(b) Consider the need to attach a detail schedule.	_____	_____	_____
503) Inquire whether there are:			
.1) Program-related investments.	_____	_____	_____
.2) Land, buildings, or equipment held for investment.	_____	_____	_____
504) If the organization has notes, mortgages, and loans payable obtain details of:			
.1) Amounts payable to officers, directors, trustees, or key employees.	_____	_____	_____
.2) Mortgages payable.	_____	_____	_____
.3) Other outstanding notes payable.	_____	_____	_____
505) Fund balances or net assets:			
.1) Determine that all funds without donor imposed restrictions have been shown as unrestricted.	_____	_____	_____
.2) Determine that funds with temporary donor restrictions are so classified.	_____	_____	_____
.3) Determine that the fund balances for permanent endowment funds and term endowment funds are reported as permanently restricted funds.	_____	_____	_____
.4) Verify that mark-to-market adjustments are reported as a part of other changes in net assets on page 1.	_____	_____	_____
.5) Determine if the basis in purchased S corporation stock should be reduced by dividends received. (SBJPA 1996)	_____	_____	_____

RETURN OF ORGANIZATION EXEMPT FROM INCOME TAX CHECKLIST
1997 - FORM 990

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR</u> <u>EXPLANATION</u>
.6) Cross reference total to page 1 of Form 990.	_____	_____	_____
600) LIST OF OFFICERS, DIRECTORS, TRUSTEES, AND KEY EMPLOYEES			
601) Review definition of key employee and determine whether the organization employs personnel satisfying this definition.	_____	_____	_____
602) Obtain a list of all officers, directors, trustees, and key employees, including their names and addresses.	_____	_____	_____
603) Inquire about the total compensation package of the organization's officers, directors, and key employees. Report items such as:			
.1) Salary, fee, bonuses, and severance payments.	_____	_____	_____
.2) Deferred compensation arrangements (whether or not funded; whether or not vested; whether or not the plan is a qualified plan under § 401(a)).	_____	_____	_____
.3) Expense allowances or reimbursements.	_____	_____	_____
.4) The value of the personal use of housing, automobiles, or other assets provided by the organization.	_____	_____	_____
.5) Other taxable and nontaxable fringe benefits (i.e., health and life insurance).	_____	_____	_____
604) If an officer, director, trustee, or key employee received compensation from related organizations, consider need to attach detail statement.	_____	_____	_____
605) Consider reasonableness of compensation.	_____	_____	_____
700) OTHER INFORMATION			
701) Inquire whether the organization has had significant changes in the kind of activities conducted to further its exempt purpose. Consider need to attach detail explanation.	_____	_____	_____
702) Determine that no part of the earnings of a § 501(c)(3) or § 501(c)(4) organization inure to the benefit of a private shareholder or individual. (TBR 1996)	_____	_____	_____
703) Inquire whether the organization has revised its governing documents. Consider need to attach conformed copy of changes.	_____	_____	_____

RETURN OF ORGANIZATION EXEMPT FROM INCOME TAX CHECKLIST
1997 - FORM 990

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
704) Complete Form 990-T Checklist if:			
.1) There is an unrelated trade or business.	_____	_____	_____
.2) There is debt financed property.	_____	_____	_____
.3) A partnership or S corporation, or any other entity interest is owned.	_____	_____	_____
.4) Income is received from a royalty agreement.	_____	_____	_____
705) Determine if the organization owned a 50% or greater interest in any taxable corporation or partnership during the year. If so, properly report:			
.1) Name, address, and identification number of taxable subsidiary.	_____	_____	_____
.2) Percentage of ownership interest.	_____	_____	_____
.3) Nature of the subsidiary's business activities.	_____	_____	_____
.4) Total income and end-of-year assets of the subsidiary.	_____	_____	_____
706) Determine effect of look-through rule for interest, annuities, royalties and rents derived by subsidiaries of tax-exempt organizations. (TRA 1997)	_____	_____	_____
707) Inquire if there has been a sale or other disposition of exempt organization's assets.	_____	_____	_____
708) Determine if there was a liquidation, dissolution, termination, or substantial contraction.	_____	_____	_____
709) Determine if the organization is related to other organizations.	_____	_____	_____
710) Determine if Form 1120-POL is required.	_____	_____	_____
711) Determine if the organization has properly reported solicited contributions that are not tax deductible.	_____	_____	_____
712) Determine if there is an issue relative to an excess benefit transaction wherein a disqualified person engaged in a non-fair market value transaction with a § 501(c)(3) or (4) organization or received unreasonable compensation. (TBR 1996)	_____	_____	_____
713) Determine if organization has excess lobbying expenditures or excess political expenditures. (TBR 1996)	_____	_____	_____

RETURN OF ORGANIZATION EXEMPT FROM INCOME TAX CHECKLIST
1997 - FORM 990

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
714) Disclose taxes paid during year for the following (by the organization, or any disqualified persons): (TBR 1996)			
a) excess benefit transactions	_____	_____	_____
b) excess expenditures to influence legislation	_____	_____	_____
c) excess political expenditures	_____	_____	_____
d) disqualifying lobbying expenditures	_____	_____	_____
 800) ANALYSIS OF INCOME-PRODUCING ACTIVITIES			
801) Complete analysis of income-producing activities and correlate related income with program service detail at 302.	_____	_____	_____
802) For income related to the organization's exempt purpose, provide required explanations of the relationship of activities to the accomplishment of exempt purposes.	_____	_____	_____
803) Determine there is a proper correlation between the information in Parts III and VIII.	_____	_____	_____
804) For other income, review the list of exclusion codes to identify revenue excludable from unrelated business taxable income.	_____	_____	_____
805) Compare amounts reported in Part VII to amounts reported in Part I.	_____	_____	_____
 900) MISCELLANEOUS			
901) Reconcile income and expense per books with return.			
.1) For organizations that conform to SFAS 116 and 117 complete part IV A and B.	_____	_____	_____
.2) For other organizations, prepare schedule for files.	_____	_____	_____
902) Review instructions and determine that all appropriate attachments have been prepared.	_____	_____	_____
903) Determine if Form 8282 is required for sales of donated property.	_____	_____	_____
904) Inquire if employment taxes paid.	_____	_____	_____
905) Determine that taxes were timely deposited.	_____	_____	_____
906) Determine if a series 5500 form is required for qualified plans.	_____	_____	_____

RETURN OF ORGANIZATION EXEMPT FROM INCOME TAX CHECKLIST
1997 - FORM 990

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
907) Determine if a series 5500 form is required for § 501(c)(9) and § 501(c)(17) organizations.	_____	_____	_____
908) Determine if § 403(b) salary reduction agreements have been modified (SBJPA 1996):			
.1) To allow participants to enter into more than 1 salary reduction agreement in any taxable year.	_____	_____	_____
.2) Identifying compensation to which salary reduction agreement applies.	_____	_____	_____
.3) Clarifying the revocability of the agreement.	_____	_____	_____
909) Consider recommending the establishment of a 401(k) plan. (SBJPA 1996)	_____	_____	_____
910) Inquire whether the organization has filed all required information returns (1098 and 1099 series).	_____	_____	_____
911) Determine whether the personal use portion of employer property, expense reimbursements under "unaccountable plans," and deferred compensation information has been included in employees' W-2s.	_____	_____	_____
912) Review all independent contractor arrangements to ascertain if there are any improperly classified service providers.	_____	_____	_____
913) Inquire if the organization is subject to the electronic funds transfer requirements.	_____	_____	_____
914) Advise exempt organizations (§§ 501(c)(4), (5), & (6)) that they have the following options available for lobbying expenditures:			
.1) Pay 35% proxy tax on lobbying expenditures. Member dues would be deducted in full.	_____	_____	_____
.2) Provide notice to members setting forth the estimated percentage of dues attributed to lobbying for the forthcoming year. That percentage of member dues would be nondeductible.	_____	_____	_____
a) Prepare required disclosure.	_____	_____	_____
b) Prepare election on treatment of expenditures in excess of percentage reported to members.	_____	_____	_____

[illegible]

EXEMPT ORGANIZATION BUSINESS INCOME TAX RETURN CHECKLIST
1997-FORM 990-T

Client Name and Number: _____

Prepared by: _____ Date: _____ Reviewed by: _____ Date: _____

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
100) GENERAL INFORMATION			
101) Determine if the organization is required to file a business income tax return:			
.1) Determine if the organization has unrelated business income.	_____	_____	_____
.a) Determine if the income:			
(i) Is from a trade or business that is regularly carried on; and	_____	_____	_____
(ii) Is not substantially related to the exempt purposes for which the organization was formed.	_____	_____	_____
.b) Review the special rules for:			
(i) Debt-financed property.	_____	_____	_____
(ii) Foreign organizations.	_____	_____	_____
(iii) Social clubs.	_____	_____	_____
(iv) Voluntary employee benefit organizations.	_____	_____	_____
(v) Supplemental unemployment compensation trusts.	_____	_____	_____
(vi) Organizations whose exclusive function is to form part of a qualified group legal services plan.	_____	_____	_____
(vii) Veterans organizations.	_____	_____	_____
.2) Determine if the unrelated gross business income equals or exceeds \$1,000.	_____	_____	_____
.3) Determine if the organization is subject to the proxy tax for lobbying activities under § 6033(e).	_____	_____	_____
200) EXCLUSIONS			
201) Exclude income for a trade or business:			

EXEMPT ORGANIZATION BUSINESS INCOME TAX RETURN CHECKLIST
1997 - FORM 990-T

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.1) Where substantially all the work in carrying on such trade or business is performed for the organization without compensation; or	_____	_____	_____
.2) Which is carried on, in the case of an organization described in § 501(c)(3) or in the case of a college or university described in § 511(a)(2)(B), by the organization primarily for the convenience of its members, students, patients, officers, or employees; or	_____	_____	_____
.3) Where substantially all of the merchandise sold has been received by the organization as gifts or contributions.	_____	_____	_____
202) If the organization is described in § 501(c)(3), (4) or (5) exclude income from a qualified public entertainment activity.	_____	_____	_____
203) If the organization is described in § 501(c)(3), (4), (5) or (6) exclude income from a qualified convention or trade show activity.	_____	_____	_____
204) For a hospital described in § 170(b)(1)(A)(iii) exclude income from furnishing one or more of the services described in § 501(e)(1)(A) to one or more hospitals described in § 170(b)(1)(A)(iii) if:			
.1) Such services are furnished solely to hospitals which have facilities to serve not more than 100 inpatients;	_____	_____	_____
.2) Such services, if performed on its own behalf by the recipient hospital, would constitute activities in exercising or performing the purpose or function constituting the basis for its exemption; and	_____	_____	_____
.3) Such services are provided at a fee or cost which does not exceed the actual cost of providing such services, such cost including straight line depreciation and a reasonable amount for return on capital goods used to provide such services.	_____	_____	_____
205) Exclude income from conducting qualified bingo games.	_____	_____	_____
206) For an organization to which contributions are deductible under § 170(c)(2) or (3), exclude income from:			
.1) the distribution of low cost articles if the distribution of such articles is incidental to the solicitation of charitable contributions, or	_____	_____	_____
.2) any trade or business which consists of:			

EXEMPT ORGANIZATION BUSINESS INCOME TAX RETURN CHECKLIST**1997 - FORM 990-T**

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
a) exchanging with another such organization, names and addresses of donors, or	_____	_____	_____
b) renting names or addresses to another such organization.	_____	_____	_____
207) Exclude income from research for the United States, or its agencies or instrumentalities, or any state or political subdivision.	_____	_____	_____
208) For a college, university, or hospital exclude income from research performed for any person.	_____	_____	_____
209) For an organization operated primarily for purposes of carrying on fundamental research, exclude income if the results are freely available to the general public.	_____	_____	_____
210) For a religious order, or educational organization maintained by the religious order, exclude income for services provided under federal license.	_____	_____	_____
211) Exclude qualified sponsorship payments from UBI. (Note applies to payments received after 12/31/97 - TRA 1997).	_____	_____	_____
300) INCOME			
301) Determine that advance payments are reported per Reg. § 1.451-5.	_____	_____	_____
302) Determine that service revenue deemed uncollectible is not accrued.	_____	_____	_____
303) Report the appropriate amount of gain or loss from the sale, exchange, or other disposition of unrelated debt-financed property.	_____	_____	_____
304) Report income from the sale of stock in trade or other property of a kind which would properly be includible in inventory if on hand at the close of the taxable year.	_____	_____	_____
305) Report income from the sale of property held primarily for sale to customers in the ordinary course of the trade or business, unless the property meets the exception in § 512 (b)(16)(A).	_____	_____	_____
306) If the organization maintains inventory, determine if § 263A rules apply.	_____	_____	_____
307) If the organization is a member of a partnership or S corporation (SBJPA 1996) that carries on an unrelated trade or business:			
.1) Determine that its allocable share of gross income and deductions have been included in UBTI.	_____	_____	_____

EXEMPT ORGANIZATION BUSINESS INCOME TAX RETURN CHECKLIST
1997 - FORM 990-T

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.2) Determine if the at-risk or passive activity rules apply.	_____	_____	_____
308) Determine if the organization has included its share of rents from:			
.1) Personal property leased with real property, if the rents from the personal property are more than 10% of the total rents received or accrued, or	_____	_____	_____
.2) Real and personal property if:			
.a) More than 50% of the rents are for the personal property, or	_____	_____	_____
.b) The amount of rent depends on the income or profits derived by any person from the property leased.	_____	_____	_____
309) Determine that income from occupying space when personal services are provided (e.g., hotel) is reported as unrelated business income unless it meets another exemption.	_____	_____	_____
310) Determine that the organization has included income (e.g., dividends, interest, annuities, royalties, and rents) attributable to property held to produce income and with respect to which there is an acquisition indebtedness, except for:			
.1) Income from property substantially all the use of which contributes importantly (aside from the need for funds) to the organization's performance of its exempt functions;	_____	_____	_____
.2) Income which has already been subject to tax under the unrelated business tax;	_____	_____	_____
.3) Income from property which is used as part of a research activity which is exempted;	_____	_____	_____
.4) Income from property which is used in a trade or business activity that qualifies for the convenience, volunteer labor, or thrift shop exceptions;	_____	_____	_____
.5) Income from real property that is to be used by the exempt organization within 10 years and is within the "neighborhood" (See special rule for churches.); or	_____	_____	_____
.6) Income from real property investments of educational institutions (as described in § 170(b)(1)(A)(ii)), qualified § 401 trust, and § 501 (c)(25) title holding companies are excluded.	_____	_____	_____

EXEMPT ORGANIZATION BUSINESS INCOME TAX RETURN CHECKLIST**1997 - FORM 990-T**

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR</u> <u>EXPLANATION</u>
311) If the organization received income (e.g., interest, annuities, royalties, and rents) from an 80% (50% for tax years beginning after 8/15/97 - TRA 1997) controlled organization:			
.1) Include 100% of the payments from a taxable subsidiary.	_____	_____	_____
.2) Determine the inclusion ratio for payments from an exempt subsidiary.	_____	_____	_____
.3) Determine effect of look-through rule for interest, annuities, royalties and rents received from taxable subsidiaries and second tier subsidiaries (taxable years beginning after 8/5/97 - TRA 1997).	_____	_____	_____
312) Determine if the organization has included income from the commercial exploitation of its name, goodwill or other intangible assets created by its exempt activities (e.g., endorsements made by a research organization, rentals of mailing lists, affinity card programs).	_____	_____	_____
313) Determine if the organization has included income from the sale of advertising in a periodical.	_____	_____	_____
400) DEDUCTIONS			
401) Determine that direct expenses have a "proximate and primary relationship" to carrying on the business. (Where personnel, facilities, etc., are used both for exempt activities and unrelated activities, such costs are allocated on a "reasonable basis.")	_____	_____	_____
402) Determine that general and administrative expenses are allocated using a method that shows a direct link between the cost and the unrelated activity.	_____	_____	_____
403) Consider the limitations on allocating costs to exploited exempt activity income.	_____	_____	_____
404) Consider the limitations on allocating costs to advertising income.	_____	_____	_____
405) Consider the limitation on the deductibility of capital losses.	_____	_____	_____
406) Consider charitable contribution rules and limitations.	_____	_____	_____
407) Consider limitations on deductions between related parties.	_____	_____	_____
408) Inquire whether the organization can substantiate by adequate records expenses claimed for entertainment, gifts, travel and conventions.	_____	_____	_____

EXEMPT ORGANIZATION BUSINESS INCOME TAX RETURN CHECKLIST

1997 - FORM 990-T

DONE N/A COMMENTS OR
EXPLANATION

409) Limit deductions for meals and entertainment to allowable percentage.

410) Determine that retirement plan contributions are within allowable limits and are made timely.

411) Consider all depreciation requirements and options including:

.1) Section 179 election.

.2) Methods and lives.

.3) Requirements relating to listed property.

412) Determine the amount of the specific deduction.

500) TAX COMPUTATIONS AND CREDITS

501) Compute alternative minimum tax.

502) Consider application of environmental tax.

503) Consider application of proxy tax.

504) Consider tax credits.

505) Consider any limitations on the use of NOLs and credits.

506) Confirm current year estimated tax payments, prior year overpayments applied and extension payments.

507) Consider underpayment penalties.

508) Determine need for subsequent period estimated tax payments.

509) Determine need to file business income tax returns with state or local authorities.

COMMENTS OR EXPLANATIONS

RETURN OF PRIVATE FOUNDATION CHECKLIST
1997 - FORM 990-PF

Client Name and Number: _____

Prepared by: _____ Date: _____ Reviewed by: _____ Date: _____

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
100) GENERAL INFORMATION			
101) Review prior year returns, workpapers, correspondence, planning suggestions and audit results.	_____	_____	_____
102) Review IRS determination letter.	_____	_____	_____
103) Determine if prior year returns have been examined by the IRS or the state and if so, obtain copies of the agents' reports and determine if the foundation is in compliance with any recommended changes.	_____	_____	_____
104) Consider obtaining a signed engagement letter.	_____	_____	_____
105) Update pro forma information.	_____	_____	_____
106) Determine if there are related organizations.	_____	_____	_____
107) Consider any change in activities.	_____	_____	_____
108) Determine if state return is required.	_____	_____	_____
200) REVENUE/EXPENSES			
201) List all officers, directors, advisors, consultants and their compensation, if any, including health and welfare benefits and pension contributions.	_____	_____	_____
202) For expenses that relate to both an investment and a charitable activity, determine that a reasonable and consistent allocation of such expenses (including depreciation) has been made and that the organization maintains documentation to support the allocation methods used.	_____	_____	_____
203) List grants paid, purpose of each grant, and verify public status of all recipients.	_____	_____	_____
204) Determine if any grants require expenditure responsibility, and, if so, obtain appropriate documentation and disclose in the return.	_____	_____	_____
205) Ensure that charitable disbursements are included in Part I using the cash method of accounting.	_____	_____	_____

RETURN OF PRIVATE FOUNDATION CHECKLIST
1997 - FORM 990-PF

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
206) Determine that donated services and facilities are excluded from Parts I and II.	_____	_____	_____
207) Obtain a list of all current grantors, including names and addresses.	_____	_____	_____
208) Update permanent file schedule of cumulative contributions received by donor.	_____	_____	_____
209) Update permanent file schedule of cost for investments that are carried at market value.	_____	_____	_____
210) For sales of assets determine the proper tax basis including assets with a December 31, 1969 substituted basis.	_____	_____	_____
300) REVENUE			
301) Determine if there is an unrelated trade or business.	_____	_____	_____
302) Determine if a partnership or S corporation (SBJPA 1996) interest is owned.	_____	_____	_____
303) Determine if there is debt-financed property.	_____	_____	_____
304) Review royalty agreements.	_____	_____	_____
305) Complete Form 990-T Checklist if any of the above exist.	_____	_____	_____
400) MINIMUM INVESTMENT RETURN			
401) Calculate the average monthly fair market value for publicly traded securities.	_____	_____	_____
402) When calculating minimum investment return:			
.1) Identify and exclude exempt purpose assets.	_____	_____	_____
.2) Determine reasonable allocation for properties used for both investment and charitable activities.	_____	_____	_____
.3) Determine that appraisals of real property have been updated within five years.	_____	_____	_____
500) EXCISE TAXES			
501) Determine if the organization has done any of the following:			

RETURN OF PRIVATE FOUNDATION CHECKLIST
1997 - FORM 990-PF

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.1) Engaged in acts of self-dealing.	_____	_____	_____
.2) Failed to make required distributions, after applying any carryovers.	_____	_____	_____
.3) Failed to dispose of any excess business holdings within the proper time period.	_____	_____	_____
.4) Made investments that jeopardize the foundation's charitable purpose.	_____	_____	_____
.5) Made taxable or political expenditures.	_____	_____	_____
502) If it has been determined that the organizations engaged in any of the above activities:			
.1) File Form 4720 (Return of Certain Excise Taxes on Charities and Other Persons Under Chapters 41 and 42 of the Internal Revenue Code).	_____	_____	_____
.2) Verify that the organization has taken steps to correct the act within the proper time period.	_____	_____	_____
600) MISCELLANEOUS			
601) Consider whether estimated payments have been made on a timely basis and review requirements for subsequent year's estimated taxes. (Note the first quarter estimate is now due the 15th day of the fifth month for tax years beginning after 8/5/97 - TRA 1997.)	_____	_____	_____
602) Complete Form 2220 (Underpayment of Estimated Tax by Corporation) and attach it to return if required.	_____	_____	_____
603) Obtain copy of notice regarding public inspection of exemption application and annual returns that was published in a newspaper with general circulation in the county in which the foundation's principal office is located. Attach this notice to the return.	_____	_____	_____
604) Determine if copies of Form 990-PF should be sent to the state attorney general's office and/or other state officials.	_____	_____	_____
605) Inquire if required information returns were filed.	_____	_____	_____
606) Inquire if employment taxes paid/timely deposited.	_____	_____	_____

RETURN OF PRIVATE FOUNDATION CHECKLIST
1997 - FORM 990-PF

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
607) Review independent contractor arrangements.	_____	_____	_____
608) Determine if Form 8282 is required for sales of donated property.	_____	_____	_____
609) Determine if a series 5500 form is required.	_____	_____	_____
610) Inquire if required contemporaneous substantiations were provided on donations of \$250 or more.	_____	_____	_____
611) Inquire if required statements were provided to donors for <i>quid pro quo</i> contributions over \$75.	_____	_____	_____
612) Attach extension requests.	_____	_____	_____
613) Prepare filing instructions/transmittal. (Note all returns now filed in Ogden).	_____	_____	_____
700) OTHER CONSIDERATIONS			
701) Consider the possibility of changing the organization tax status to a public charity or private operating foundation.	_____	_____	_____
702) Consider increasing qualifying distributions so the organization can qualify for the 1% reduced rate of tax on net investment income.	_____	_____	_____
703) Consider obtaining advance approval from the IRS if the organization is planning any projects that qualify for a set-aside under the suitability test.	_____	_____	_____
704) Determine if there was a liquidation, dissolution, determination or substantial contraction.	_____	_____	_____
705) If the organization uses five-year appraisal intervals to value real estate:			
.1) Consider obtaining a new appraisal for real estate that has depreciated in value.	_____	_____	_____
.2) Determine if any new appraisals are required before the end of the current year.	_____	_____	_____

RETURN OF PRIVATE FOUNDATION CHECKLIST
1997 - FORM 990-PF

DONE N/A COMMENTS OR
EXPLANATION

COMMENTS OR EXPLANATIONS



MINI-CHECKLIST
INDIVIDUAL INCOME TAX RETURN
1997 - FORM 1040

Client Name and Number: _____

Prepared by: _____ Date: _____ Reviewed by: _____ Date: _____

	<u>Done</u>	<u>N/A</u>		<u>Done</u>	<u>N/A</u>
<div style="border: 1px solid black; padding: 2px; display: inline-block;">GENERAL INFORMATION</div>					
1. Confirm taxpayer information, filing status and dependents.	<input type="checkbox"/>	<input type="checkbox"/>	Moving expense	<input type="checkbox"/>	<input type="checkbox"/>
2. Review prior year returns, workpapers, correspondence, and audit results.	<input type="checkbox"/>	<input type="checkbox"/>	Casualty losses	<input type="checkbox"/>	<input type="checkbox"/>
3. Consider signed engagement letter.	<input type="checkbox"/>	<input type="checkbox"/>	Allocation and limitation of interest	<input type="checkbox"/>	<input type="checkbox"/>
4. Check for carryovers and update schedules including effect of prior period tax audits.	<input type="checkbox"/>	<input type="checkbox"/>	Alimony	<input type="checkbox"/>	<input type="checkbox"/>
5. Consider below-market-rate loan rules.	<input type="checkbox"/>	<input type="checkbox"/>	2. Limit on meals and entertainment	<input type="checkbox"/>	<input type="checkbox"/>
6. Review accounting methods.	<input type="checkbox"/>	<input type="checkbox"/>	3. Consider Form 8283 for noncash donations	<input type="checkbox"/>	<input type="checkbox"/>
7. Properly report adjustments for accounting method changes.	<input type="checkbox"/>	<input type="checkbox"/>	4. Consider limitations on deductibility of dues and lobbying expenses	<input type="checkbox"/>	<input type="checkbox"/>
8. Review pro forma/organizer for accuracy.	<input type="checkbox"/>	<input type="checkbox"/>	<div style="border: 1px solid black; padding: 2px; display: inline-block;">DEPRECIATION/AMORTIZATION</div>		
9. Consider filing power of attorney.	<input type="checkbox"/>	<input type="checkbox"/>	1. Consider the following:		
			§ 179 election	<input type="checkbox"/>	<input type="checkbox"/>
			Methods and lives	<input type="checkbox"/>	<input type="checkbox"/>
			Listed property	<input type="checkbox"/>	<input type="checkbox"/>
			Capitalization of leased property	<input type="checkbox"/>	<input type="checkbox"/>
			Amortization of goodwill and other intangibles	<input type="checkbox"/>	<input type="checkbox"/>
			2. Compute AMT depreciation	<input type="checkbox"/>	<input type="checkbox"/>
<div style="border: 1px solid black; padding: 2px; display: inline-block;">INCOME</div>					
1. For sales or other disposition of property consider:			<div style="border: 1px solid black; padding: 2px; display: inline-block;">TAX COMPUTATION AND CREDITS</div>		
Recapture	<input type="checkbox"/>	<input type="checkbox"/>	1. Compute alternative minimum tax	<input type="checkbox"/>	<input type="checkbox"/>
Installment sales and related interest charge on deferred tax	<input type="checkbox"/>	<input type="checkbox"/>	2. Compute self-employment tax and deduction (SBJPA 1996)	<input type="checkbox"/>	<input type="checkbox"/>
Taxable/deferred/excluded gain on sale of residence or other property (SBJPA 1996) (TRA 1997)	<input type="checkbox"/>	<input type="checkbox"/>	3. Compute all credits, carryovers, recaptures. (SBJPA 1996 & TRA 1997)	<input type="checkbox"/>	<input type="checkbox"/>
Holding period/basis (TRA 1997)	<input type="checkbox"/>	<input type="checkbox"/>	4. Compute tax on premature distributions	<input type="checkbox"/>	<input type="checkbox"/>
Related party transactions	<input type="checkbox"/>	<input type="checkbox"/>	5. Claim credit for excess FICA, other withholding/payments	<input type="checkbox"/>	<input type="checkbox"/>
Like-kind exchanges	<input type="checkbox"/>	<input type="checkbox"/>	6. Compute underpayment penalties (TRA 1997)	<input type="checkbox"/>	<input type="checkbox"/>
2. Consider the following:			7. Prepare estimate vouchers	<input type="checkbox"/>	<input type="checkbox"/>
Ordinary income on market discount bonds and deferral of related interest expense	<input type="checkbox"/>	<input type="checkbox"/>	<div style="border: 1px solid black; padding: 2px; display: inline-block;">OTHER</div>		
Annuities (SBJPA 1996), retirement plans, IRAs	<input type="checkbox"/>	<input type="checkbox"/>	1. Consider risk of accuracy-related penalty. (§ 6662)	<input type="checkbox"/>	<input type="checkbox"/>
Limitations due to at-risk and basis	<input type="checkbox"/>	<input type="checkbox"/>	2. Compare taxable income to projections	<input type="checkbox"/>	<input type="checkbox"/>
Passive loss limitations and election	<input type="checkbox"/>	<input type="checkbox"/>	3. Report tax shelters. Form 8271	<input type="checkbox"/>	<input type="checkbox"/>
Alimony	<input type="checkbox"/>	<input type="checkbox"/>	4. Consider election to forego NOL carryback	<input type="checkbox"/>	<input type="checkbox"/>
Taxability of dividends, interest and capital gain distributions	<input type="checkbox"/>	<input type="checkbox"/>	5. Consider inclusion of child's taxable income	<input type="checkbox"/>	<input type="checkbox"/>
Salaries and fringe benefits	<input type="checkbox"/>	<input type="checkbox"/>	6. Prepare state and local returns	<input type="checkbox"/>	<input type="checkbox"/>
Rents	<input type="checkbox"/>	<input type="checkbox"/>	7. Consider other returns (e.g., gift, qualified plans)	<input type="checkbox"/>	<input type="checkbox"/>
Tax benefit rules	<input type="checkbox"/>	<input type="checkbox"/>	8. Include/attach extension request(s)	<input type="checkbox"/>	<input type="checkbox"/>
Discharge of indebtedness	<input type="checkbox"/>	<input type="checkbox"/>	9. Note planning /additional service suggestions	<input type="checkbox"/>	<input type="checkbox"/>
Worthless stock/bad debt	<input type="checkbox"/>	<input type="checkbox"/>			
Limitation on \$5,000 death benefit exclusion (SBJPA 1996)	<input type="checkbox"/>	<input type="checkbox"/>			
Punitive damages (SBJPA 1996)	<input type="checkbox"/>	<input type="checkbox"/>			
Exclusion of employer-provided educational assistance (SBJPA 1996) (TRA 1997)	<input type="checkbox"/>	<input type="checkbox"/>			
<div style="border: 1px solid black; padding: 2px; display: inline-block;">DEDUCTIONS</div>					
1. Consider the following:					
Home office. Form 8829. (SBJPA 1996)	<input type="checkbox"/>	<input type="checkbox"/>			
IRA, SEP, SIMPLE, Keogh and MSA contribution.	<input type="checkbox"/>	<input type="checkbox"/>			

SHORT VERSION
INDIVIDUAL INCOME TAX RETURN CHECKLIST
1997 - FORM 1040

Client Name and Number: _____

Prepared by: _____ Date: _____ Reviewed by: _____ Date: _____

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
100) GENERAL INFORMATION			
101) Review and update basic taxpayer information (address, dependents, etc.), IRS and other tax processing centers, prior returns, and workpapers. (SBJPA 1996)	_____	_____	_____
102) Consider signed engagement letter.	_____	_____	_____
103) Obtain information concerning IRS or state tax audits, and/or correspondence.	_____	_____	_____
104) Determine that accounting methods used are comparable to the preceding year unless changes are approved or required.	_____	_____	_____
105) If accrual method of accounting, note economic performance election.	_____	_____	_____
106) Check for carryover items and update carryforward schedules including effect of prior period tax audits.	_____	_____	_____
107) Review for adequate interest on new or modified debt instrument.	_____	_____	_____
108) Review computer-generated pro forma/organizer for accuracy.	_____	_____	_____
109) Determine if taxpayer has reporting requirements for household employees.	_____	_____	_____
110) Consider filing power of attorney.	_____	_____	_____
200) INCOME			
201) Determine tax treatment of interest, dividends, and capital gain distributions and amounts subject to AMT.	_____	_____	_____
202) Determine if alimony paid or received.	_____	_____	_____
203) Sale or other disposition of property:			
.1) Check for recapture items. Note new § 1245 and § 1250 applications. (TRA 1997)	_____	_____	_____

SHORT VERSION
INDIVIDUAL INCOME TAX RETURN CHECKLIST
1997 - FORM 1040

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.2) Determine that installment sales are properly reported, including related interest charge on deferred tax.	_____	_____	_____
.3) Determine amounts taxable and/or deferred from sale of personal residence occurring before May 7, 1997. (TRA 1997)	_____	_____	_____
.4) Consider exclusion from gains for sales of personal residence after May 6, 1997 and optional election. (TRA 1997)	_____	_____	_____
.5) Determine holding period and tax basis of property sold.	_____	_____	_____
.6) Consider rules for like-kind and related party exchanges (Form 8824) Note restrictions on US/foreign exchanges. (TRA 1997)	_____	_____	_____
.7) Consider new rules for involuntary conversions of post-1994 Presidentially-declared disasters. (SBJPA 1996)	_____	_____	_____
.8) Report recognition of gain on constructive sales under TRA 1997.	_____	_____	_____
204) Consider ordinary income on market discount bonds and deferral of related interest expense.	_____	_____	_____
205) Determine proper reporting of all annuities and qualified retirement plan and IRA distributions, considering the various options for taxing lump-sum distributions from qualified retirement plans. See SBJPA 1996 change for annuities with starting dates after November 18, 1996.	_____	_____	_____
206) Consider \$5,000 death benefit exclusion for employees who died before August 21, 1996. (SBJPA 1996)	_____	_____	_____
207) Consider regular and AMT passive activity loss limitations, carryovers and election. (See Passive Activity Checklist)	_____	_____	_____
208) Determine that all K-1s have been received and that all items have been properly reported.	_____	_____	_____
209) Consider limitations of § 704(d), § 465 at risk, and/or § 1366(d) basis rules.	_____	_____	_____
210) Consider at risk limitation (Form 6198) and hobby loss rules on sole proprietor Schedule C.	_____	_____	_____
211) Inquire about other possible sources of income such as salaries, rents, taxable fringe benefits, discharge of indebtedness income, gambling and lottery.	_____	_____	_____

SHORT VERSION
INDIVIDUAL INCOME TAX RETURN CHECKLIST
1997 - FORM 1040

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
212) Consider mark to market rules for "dealers in securities."	_____	_____	_____
213) Consider appropriate income inclusion amount for leased vehicles and property. (See Vehicle Related Guides)	_____	_____	_____
214) If the taxpayer recovered amounts previously deducted, consider tax benefit rules.	_____	_____	_____
215) Consider exclusion from income of certain employer-provided educational assistance. (SBJPA 1996 and TRA 1997)	_____	_____	_____
216) Consider exclusion from income of accelerated death benefits.	_____	_____	_____
217) Consider inclusion requirements for punitive damages received after August 20, 1996. (SBJPA 1996)	_____	_____	_____
218) Consider exclusion from income of proceeds of long-term care insurance (HIPAA 1996)	_____	_____	_____
219) Consider whether overseas taxpayer qualifies for foreign earned income exclusion.	_____	_____	_____
300) DEDUCTIONS			
301) Consider home office deduction, limitations and carryovers. (SBJPA 1996)	_____	_____	_____
302) Determine if the taxpayer is entitled to deduction for contribution to IRA, SIMPLE, Keogh, SEP and/or MSA, noting increase in allowed non-working spouse IRA contribution. (SBJPA 1996)	_____	_____	_____
303) Determine the proper allocation of and limitations on deductions for interest and other expenses relating to:			
.1) Investment expenditures. Consider election to treat long-term capital gain as investment income.	_____	_____	_____
.2) Qualified residence interest.	_____	_____	_____
.3) Trade or business expenditures.	_____	_____	_____
.4) Passive activity expenditures.	_____	_____	_____
.5) Tax-exempt investments.	_____	_____	_____
.6) Capitalization of interest during construction.	_____	_____	_____

SHORT VERSION
INDIVIDUAL INCOME TAX RETURN CHECKLIST
1997 - FORM 1040

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.7) Interest on qualified plan loans.	_____	_____	_____
.8) Meals and entertainment expenses.	_____	_____	_____
.9) Club dues.	_____	_____	_____
.10) Lobbying expenses.	_____	_____	_____
.11) Self-employed health insurance.	_____	_____	_____
304) Consider requirement to file Form 8283 for charitable contributions other than cash.	_____	_____	_____
305) Inquire about other possible deductions such as charitable contributions, medical expense, taxes, moving expenses, employee business expense, worthless securities, § 1244 stock, casualty losses, vacation homes, etc.	_____	_____	_____
400) DEPRECIATION			
401) Consider all depreciation requirements and options including:			
.1) § 179 election. Note new allowable amounts under SBJPA 1996.	_____	_____	_____
.2) Methods and lives.	_____	_____	_____
.3) Requirements relating to listed property.	_____	_____	_____
.4) Determine if leased property should be capitalized.	_____	_____	_____
.5) Consider 36-month depreciation rules for software.	_____	_____	_____
402) Consider AMT depreciation.	_____	_____	_____
403) Determine that amortizable items, including goodwill, are written off over the correct periods.	_____	_____	_____
500) TAX COMPUTATION AND CREDITS			
501) Compute tax, including alternative minimum tax. (TRA 1997)	_____	_____	_____
502) Compute self-employment tax and related deduction. See SBJPA 1996 for exclusion of minister retirement benefits.	_____	_____	_____
503) Compute all applicable credits including carryovers. Note new adoption credit. (SBJPA 1996 and TRA 1997)	_____	_____	_____

SHORT VERSION
INDIVIDUAL INCOME TAX RETURN CHECKLIST
1997 - FORM 1040

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
504) Compute credit recapture.	_____	_____	_____
505) Compute tax on premature distributions from retirement accounts and annuities and excess accumulation tax on excess distributions.	_____	_____	_____
506) Claim excess FICA, other withholding, estimated and extension tax payments.	_____	_____	_____
507) Prepare estimated tax vouchers.	_____	_____	_____
508) Compute exception under TRA 1997.	_____	_____	_____
600) OTHER REQUIREMENTS			
601) Compare taxable income to projections.	_____	_____	_____
602) Determine if Form 8271 is required for tax shelters.	_____	_____	_____
603) Consider capitalization of carrying charges on non-productive property.	_____	_____	_____
604) Consider election to forego net operating loss carryback.	_____	_____	_____
605) Consider need to disclose taxable income information on dependent's returns.	_____	_____	_____
606) If parent elects to report child's interest and dividends, prepare Form 8814.	_____	_____	_____
607) Inquire if the taxpayer has required records for travel, entertainment, gift and listed property deductions.	_____	_____	_____
608) Consider risk of accuracy-related penalty. (§ 6662)	_____	_____	_____
609) Prepare state and local tax returns.	_____	_____	_____
610) Inquire whether taxpayer has completed all information returns (W-2s, 1099 series, Form 8300).	_____	_____	_____
611) Inquire if employment taxes were timely deposited.	_____	_____	_____
612) Advise taxpayers with employee benefit plans of return filing requirements.	_____	_____	_____
613) Inquire if gift tax return is required.	_____	_____	_____
614) Include Form 1040V.	_____	_____	_____

SHORT VERSION
INDIVIDUAL INCOME TAX RETURN CHECKLIST
1997 - FORM 1040

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
615) Include/attach extension request(s).	_____	_____	_____
616) Note tax planning/additional service suggestions.	_____	_____	_____

COMMENTS OR EXPLANATIONS



INDIVIDUAL INCOME TAX RETURN CHECKLIST 1997 - FORM 1040

Client Name and Number: _____

Prepared by: _____ Date: _____ Reviewed by: _____ Date: _____

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
100) GENERAL INFORMATION			
101) Review the taxpayer's name, age, social security number, address, occupation, filing status, number of exemptions and other dependents, and IRS and other tax processing centers. Obtain social security numbers for dependents. See SBJPA 1996 for new TIN requirements for dependents. Note changes.	_____	_____	_____
102) Review prior year returns, memos, workpapers and correspondence files.	_____	_____	_____
103) Consider signed engagement letter.	_____	_____	_____
104) If the taxpayer has been examined by the Internal Revenue Service or state or local taxing authorities:			
.1) Obtain copies of the revenue agent's reports.	_____	_____	_____
.2) Determine that the agent's adjustments have been entered in the taxpayer's records and appropriate carryforward workpapers.	_____	_____	_____
.3) If the agent's adjustments affect income tax returns of years other than those audited, or the corresponding federal or state returns for the same year, consider filing amended returns.	_____	_____	_____
105) Determine if accounting methods used are comparable to the preceding year unless changes are approved or required.	_____	_____	_____
106) Consider economic performance requirement and recurring item exceptions.	_____	_____	_____
107) Review and update schedules for federal and state carryover items (regular and AMT) such as:			
.1) Net operating loss.	_____	_____	_____
.2) Capital loss.	_____	_____	_____
.3) Investment credit.	_____	_____	_____
.4) Alternative minimum tax credit.	_____	_____	_____

INDIVIDUAL INCOME TAX RETURN CHECKLIST
1997 - FORM 1040

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.5) Other credits. (Foreign tax, child care credit, etc.)	_____	_____	_____
.6) Charitable contributions.	_____	_____	_____
.7) Installment sales.	_____	_____	_____
.8) Retirement plan contribution.	_____	_____	_____
.9) Passive activity losses and credits.	_____	_____	_____
.10) Suspended losses/credits due to at risk limitations.	_____	_____	_____
.11) S corporation, LLC and partnership basis.	_____	_____	_____
.12) "Publicly traded partnership" losses.	_____	_____	_____
.13) Change of accounting adjustments (§ 481).	_____	_____	_____
.14) Home office deductions.	_____	_____	_____
.15) § 179.	_____	_____	_____
.16) Investment interest expense.	_____	_____	_____
.17) Home mortgage points for amortization.	_____	_____	_____
.18) Nontaxable or reinvested dividends and original issue discounts.	_____	_____	_____
.19) Deadline for replacing personal residence sold prior to May 7, 1997 (TRA 1997) or involuntarily converted residence.	_____	_____	_____
.20) Percentage depletion.	_____	_____	_____
.21) Prior year overpayment(s) credited to subsequent year estimate.	_____	_____	_____
108) Inquire whether the taxpayer has made or received any below-market-rate loans. If so, determine imputed interest consequences and existence of properly executed notes.	_____	_____	_____
109) Review for adequate stated interest on debt instruments:			
.1) Determine whether OID or the unstated interest rules require restatement of note interest and principal. Note new regulations under § 1274.	_____	_____	_____

INDIVIDUAL INCOME TAX RETURN CHECKLIST
1997 - FORM 1040

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.2) Consider election for purchase discount under § 1278.	_____	_____	_____
110) Review for proper reporting of interest recognition in accordance with Reg. §§ 1.483-4 and 1.1274-5 for debt instruments providing contingent payments.	_____	_____	_____
111) Review computer-generated pro forma/organizer for accuracy.	_____	_____	_____
112) Review financial statements and footnotes for relevant information.	_____	_____	_____
113) Determine if taxpayer had household employees:	_____	_____	_____
.1) Obtain federal employer identification number.	_____	_____	_____
.2) Obtain state reporting number.	_____	_____	_____
.3) Complete Schedule H.	_____	_____	_____
.4) Obtain copy of W-2 form(s).	_____	_____	_____
.5) Obtain copy of state unemployment return(s).	_____	_____	_____
114) Determine if U.S. person (SBJPA 1996):			
.1) Created a foreign trust.	_____	_____	_____
.2) Transferred property to a foreign trust.	_____	_____	_____
.3) Received distributions, directly or indirectly, from a foreign trust (§ 6048).	_____	_____	_____
.4) Received loans, unless with arms-length terms, from a foreign trust.	_____	_____	_____
.5) Is a beneficiary of a foreign trust and transferred property to a foreign grantor of the trust.	_____	_____	_____
115) Consider filing power of attorney.	_____	_____	_____
200) INCOME			
201) Review taxpayer's Form W-2:			
.1) Inquire whether taxable employee benefits are included on Form W-2.	_____	_____	_____

INDIVIDUAL INCOME TAX RETURN CHECKLIST
1997 - FORM 1040

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.2) If dependent care expense reimbursements appear on Form W-2, include Form 2441.	_____	_____	_____
.3) Determine whether reimbursed employee business expenses were included in wages.	_____	_____	_____
.4) Note any differences between federal, state and local taxable income.	_____	_____	_____
.5) Inquire whether qualifying employer-provided assistance has been excluded. (SBJPA 1996 and TRA 1997)	_____	_____	_____
202) Determine if overseas taxpayer qualifies for the foreign earned income exclusion.	_____	_____	_____
203) Inquire if taxpayer had investment income from foreign sources and if tax was withheld at the source.	_____	_____	_____
204) Disclose exempt interest on state and municipal bonds and exempt bond fund dividends.	_____	_____	_____
205) Determine if any exempt interest is subject to alternative minimum tax.	_____	_____	_____
206) Consider excluding interest from United States securities and U.S. Treasury mutual funds from the state return.	_____	_____	_____
207) Consider whether municipal bond interest excluded on federal should be added back to state return.	_____	_____	_____
208) Compare sources of dividend and interest income with prior year items. Identity of payor and amount should agree with 1099. Include TIN and address of payor of interest received from seller provided financing.	_____	_____	_____
209) If a 1099-OID is received, compute the includible amount.	_____	_____	_____
210) If interest is received, determine if:			
.1) Any portion of the interest received is excludible as accrued interest purchased.	_____	_____	_____
.2) There are penalties for early withdrawals.	_____	_____	_____
211) Review dividends to segregate taxable, non-taxable and capital gain portions. Consider whether stock dividends are included.	_____	_____	_____
212) If the taxpayer is divorced or separated:			

INDIVIDUAL INCOME TAX RETURN CHECKLIST
1997 - FORM 1040

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.1) Inquire if the taxpayer received alimony or separate maintenance payments.	_____	_____	_____
.2) Determine that child support payments are not reported as income.	_____	_____	_____
.3) Include the recipient's name and social security number for alimony or separate maintenance payments paid.	_____	_____	_____
.4) For post-1986 divorces, review amount received/paid to determine non-taxable/deductible/recapture portion.	_____	_____	_____
213) Determine that installment sales are reported properly:			
.1) Consider related party rules.	_____	_____	_____
.2) Determine that the full amount of depreciation recapture is reported in the year of sale whether or not payment was received in that year.	_____	_____	_____
.3) Review for adequate stated interest on debt instruments received in connection with the sale. Determine whether original issue discount or unstated interest rules require restatement of note interest and principal.	_____	_____	_____
.4) Determine if the taxpayer is a "dealer" with respect to the related property. If so:			
.a) Determine that the installment method is <u>not</u> used to report post-1987 sales of dealer property. (Exceptions: farm property, certain timeshare rights, and residential lots if proper election is made.)	_____	_____	_____
.b) Determine that the interest owed as a result of an election .a) above is properly reported.	_____	_____	_____
.5) Consider special rules for installment reporting by certain non-dealers of real (post-1986 sales) or personal property (post-1988 sales) where the sales price exceeds \$150,000. (§ 453A) (Does not apply to certain farm property and certain individual use property.)	_____	_____	_____
.a) Compute the interest charge imposed on outstanding tax deferred installment obligations if the face amount of these obligations that arose during, and are still			

INDIVIDUAL INCOME TAX RETURN CHECKLIST
1997 - FORM 1040

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
outstanding at the close of, the tax year exceeds \$5 million.	_____	_____	_____
.b) Determine that the proper amount is treated as a collection on any pledged installment obligation.	_____	_____	_____
.6) Consider election out of installment method.	_____	_____	_____
.7) Determine if an event has occurred requiring accelerated recognition of the remaining unreported gain (e.g., resale rule for related parties, cancellation of the installment obligation, disposition of the installment obligation).	_____	_____	_____
214) If a residence or other property was sold, exchanged, or involuntarily converted during the year:	_____	_____	_____
.1) Consider one-time \$125,000 exclusion for sales of principal residence occurring before May 7, 1997. (TRA 1997)			
.2) Consider \$500,000 (MFJ) or \$250,000 exclusion from gain on the sale of principal residence for sales occurring after May 6, 1997. Note option to elect old rules on transactions closing (or subject to a binding contract) before August 5, 1997. (TRA 1997)	_____	_____	_____
.3) Consider non-recognition of gain or loss and related elections. (See SBJPA 1996 for post-1994 Presidentially-declared disasters).	_____	_____	_____
.4) Consider that the replacement period for property involuntarily converted is determined by the type of property.	_____	_____	_____
.5) Obtain closing statements, loan disbursement statements, capital improvements or other basis adjustments and most recent Form 2119. Determine the amount of any property tax reimbursement.	_____	_____	_____
.6) Consider recapture of depreciation and/or tax credits (home office and related equipment). Note new § 1245 and § 1250 applications. (TRA 1997)	_____	_____	_____
.7) Consider rules for like-kind and related party exchanges. (Form 8824). Note restrictions on exchange of U.S. property for foreign property. (TRA 1997)	_____	_____	_____
215) Consider ordinary income treatment for gain on sale of market discount bonds:			

INDIVIDUAL INCOME TAX RETURN CHECKLIST
1997 - FORM 1040

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.1) Taxable bonds issued after July 18, 1984, or issued before July 19, 1984 and purchased after April 30, 1993.	_____	_____	_____
.2) Tax exempt bonds acquired after April 30, 1993.	_____	_____	_____
216) Review application of the wash sale rules.	_____	_____	_____
217) Review application of straddle rules and available elections under § 1092.	_____	_____	_____
218) Determine that sales of securities settled after year end, with a trade date within current year, are reported this year. Note special rules for short sales in § 1233.	_____	_____	_____
219) Determine limitations if there has been a sale of a mutual fund at a loss within six months of acquisition, and:			
.1) A capital gain dividend was received, or	_____	_____	_____
.2) Exempt-interest dividend was received.	_____	_____	_____
220) Consider allowable methods of calculating basis on the sale of mutual fund shares.	_____	_____	_____
221) Consider rollover of gain on the sale or exchange of small business stock after August 5, 1997 held for more than six months if other qualified small business stock is bought within 60 days of the sale. (TRA 1997)	_____	_____	_____
222) Inquire if the taxpayer has any worthless securities. Note that substantial worthlessness of short sale property is a gain recognition event. (TRA 1997)	_____	_____	_____
223) If there are § 1231 gains, determine the amount subject to ordinary income treatment as a result of five-year recapture rule for prior net § 1231 losses.	_____	_____	_____
224) Consider that forced sales of breeding, draft or dairy livestock due to floods or other weather conditions are treated as involuntary conversions. (TRA 1997)	_____	_____	_____
225) Consider that cash basis farmers may elect to defer gain from forced sales of livestock due to floods or other weather related conditions. (TRA 1997)	_____	_____	_____

INDIVIDUAL INCOME TAX RETURN CHECKLIST

1997 - FORM 1040

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
226) Reports gains on constructive sales of appreciated financial positions occurring after June 8, 1997. (TRA 1997)	_____	_____	_____
227) Determine holding period, applicable tax rates, state and AMT tax bases of assets sold. (TRA 1997)	_____	_____	_____
228) If the taxpayer recovered amounts previously deducted (such as state income taxes and medical expenses), consider tax benefit rules.	_____	_____	_____
229) Consider all options for lump-sum distributions from qualified retirement plans:			
.1) The one-time election for five-year averaging available only after age 59½.	_____	_____	_____
.2) Election to treat capital gains portion as ordinary income.	_____	_____	_____
.3) Taxpayers reaching 50 before 1986 have a one-time election.	_____	_____	_____
230) For IRA, pension or annuity distributions, consider:			
.1) Nontaxable portions (federal and state).	_____	_____	_____
.2) Applicability of early withdrawal penalty. Note exceptions including new exception for IRA distributions for catastrophic medical expense and health insurance premiums during periods of unemployment. (HIPAA 1996)	_____	_____	_____
.3) A qualified rollover within 60 days of distribution.	_____	_____	_____
.4) Whether taxpayer has met 70½ minimum withdrawal requirements. Consider continued employment exemption for qualified plans. (SBJPA 1996)	_____	_____	_____
.5) The SBJPA's simplified method of determining basis for annuities. Consider continued employment exemption for qualified plans. (SBJPA 1996)	_____	_____	_____
231) Consider the \$5,000 death benefit exclusion for employees who died before August 21, 1996. (SBJPA 1996)	_____	_____	_____
232) Consider limitations of § 704(d), § 465 at risk, and/or § 1366(d) basis rules.	_____	_____	_____

INDIVIDUAL INCOME TAX RETURN CHECKLIST **1997 - FORM 1040**

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
233) For prior year losses limited by at risk rules, determine if additional basis has been generated in the current year to deduct all or a portion of the losses.	_____	_____	_____
234) Consider at risk limitation (Form 6198) and hobby loss rules on sole proprietor Schedule C.	_____	_____	_____
235) If the taxpayer is an S corporation shareholder facing a potential basis limitation, consider election to reduce basis for items of loss or deduction before reducing basis for noncapital, nondeductible expenses and certain oil and gas depletion deductions (Reg. § 1.1367-1(f)).	_____	_____	_____
236) If the taxpayer is an S corporation shareholder receiving distributions in a loss year, adjust basis for distributions before loss. (SBJPA 1996)	_____	_____	_____
237) If the taxpayer is an S corporation shareholder who made loans to the corporation, and took losses which reduced the basis of the loans, determine gain on repayment.	_____	_____	_____
238) Compare sources of K-1s with prior year. Review current K-1s to determine that all items have been properly reported.	_____	_____	_____
239) If a distribution or technical termination has occurred in a partnership, consider both the new allocation of basis rules under § 732(c) (TRA 1997) and making a § 732(d) election. Note exception for post May 9, 1997 technical terminations. (Reg. 1.708-1)	_____	_____	_____
240) Determine if there are passive activities (see Passive Activity Checklist). Note that the activities must be grouped in accordance with the proposed regulation.			
.1) Consider the \$25,000 special allowance for rental real estate.	_____	_____	_____
.2) Consider the exception for taxpayers who materially participate in real property trades or businesses (§ 469(c)(7)).	_____	_____	_____
.3) Determine if any passthrough entity in which the taxpayer has an interest has separately reported activities.	_____	_____	_____
.4) Review whether a disposition or recharacterization of a prior passive activity has occurred.	_____	_____	_____
.5) Determine whether personal usage of rental rules apply.	_____	_____	_____
241) Designate and include income subject to self-employment tax (Schedule C, partnership and other income). Consider new self-employment			

INDIVIDUAL INCOME TAX RETURN CHECKLIST
1997 - FORM 1040

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
proposed regulations relating to members of an LLC and new rules for retired ministers. (SBJPA 1996)	_____	_____	_____
242) Determine taxability of scholarships, fellowships, social security benefits or disability income received.	_____	_____	_____
243) Determine if there is discharge of indebtedness income.	_____	_____	_____
.1) Consider exclusion and elections under § 108. (See also proposed amendment to Reg. section 1.1017-1.)	_____	_____	_____
.2) Consider Form 982.	_____	_____	_____
.3) Consider exclusion from income for cancellation of student loans under certain circumstances. Note that the exclusion was expanded, effective August 5, 1997, to cover the cancellation of loans under nongovernmental sponsored programs. (TRA 1997)	_____	_____	_____
244) Determine other sources of income, e.g., gambling winnings, lotteries, jury duty.	_____	_____	_____
245) Consider the reporting of income and deductions in respect of decedent.	_____	_____	_____
246) Consider appropriate income inclusion amount for leased vehicles and property. (See Vehicle Related Guides).	_____	_____	_____
247) Inquire if the taxpayer engaged in bartering transactions.	_____	_____	_____
248) Consider the mark to market rules for "dealers in securities." Warning: the definition of "dealers in securities" contained in § 475 is not limited to Wall Street brokerage firms. The expansive definition includes many taxpayers involved in lending transactions and various seller financed activities.	_____	_____	_____
.1) Determine that § 475 assets are adjusted to fair market value at the end of the year.	_____	_____	_____
.2) Determine the § 481 adjustment.	_____	_____	_____
.3) Amortize the § 481 adjustment over 5 years (15 years for certain floor specialists and market makers) beginning with the year of change.	_____	_____	_____
.4) Determine if exempt securities were timely identified in taxpayer books and records.	_____	_____	_____

INDIVIDUAL INCOME TAX RETURN CHECKLIST
1997 - FORM 1040

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.5) Consider loss limitations for securities not properly identified.	_____	_____	_____
249) Consider exclusion for subsidized campus housing of employees. (SBJPA 1996)	_____	_____	_____
250) Consider inclusion requirements for punitive damages received after August 20, 1996. (SBJPA 1996)	_____	_____	_____
251) Consider the exclusion from income of accelerated death benefits paid under a life insurance contract. (HIPAA 1996)	_____	_____	_____
252) Consider exclusion from income of proceeds of long-term care insurance. (HIPAA 1996)	_____	_____	_____
300) DEDUCTIONS			
301) For all businesses of the taxpayer reported on Form 1040:			
.1) Review the taxpayer's vacation pay policy to determine if a deduction is allowable on the accrual basis (vested at year-end and paid within 2½ months after year-end).	_____	_____	_____
.2) Consider the applicability of uniform capitalization rule to resellers with annual gross receipts in excess of \$10 million and all producers of property. (Note final regulations related to general rules (§ 1.263A-1), producers (§ 1.263A-2) and resellers (§ 1.263A-3).	_____	_____	_____
.a) Determine that all costs are included.	_____	_____	_____
.b) Consider interest capitalization rules for debt incurred to produce property.	_____	_____	_____
.c) If the beginning inventory is revalued:			
(i) Ascertain the amount of adjustment required for the beginning inventory due to the change in method of accounting. (§ 481)	_____	_____	_____
(ii) Ascertain § 481 forward spread period (not to exceed four years).	_____	_____	_____
(iii) Determine that Form 3115 is attached to the tax return for the year of change.	_____	_____	_____
(iv) Consider electing "simplified" methods.	_____	_____	_____

INDIVIDUAL INCOME TAX RETURN CHECKLIST
1997 - FORM 1040

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.d) For farmers and ranchers consider:			
(i) One-time election out of uniform capitalization rules if election was not required in a prior year.	_____	_____	_____
(ii) The exemption for expenses incurred in the production of animals.	_____	_____	_____
.e) Review the definition of "produce."	_____	_____	_____
.3) Long-Term Contracts			
.a) Determine if the taxpayer is subject to the long-term contract reporting rules requiring that the percentage of completion method, instead of the completed contract method, be used to determine taxable income. Note exceptions for certain qualifying construction contracts and most contracts for the manufacture of property.	_____	_____	_____
.b) In determining whether contracts of the taxpayer are subject to the percentage of completion method of reporting, consider:			
(i) Related party rules.	_____	_____	_____
(ii) Contract aggregation rules.	_____	_____	_____
.c) Determine that the percentage of completion is calculated based on costs incurred, not work performed.	_____	_____	_____
.d) Determine that all required costs have been allocated to the contracts. Note the expanded requirement to capitalize costs similar to the uniform capitalization rules.	_____	_____	_____
.e) Consider electing the simplified method of allocating costs, whereby fewer costs are taken into account, to determine the degree of contract completion.	_____	_____	_____
.f) Consider electing the modified percentage of completion method, whereby the recognition of income and accounting for costs is deferred until the first tax year in which at least 10% of the estimated total contract costs have been incurred as of the end of that year. Note that this election is not available if the simplified method above has been elected.	_____	_____	_____

INDIVIDUAL INCOME TAX RETURN CHECKLIST

1997 - FORM 1040

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.g) Upon completion of a contract, determine that the "look-back rule" has been applied to compare actual contract price and costs to previously used estimates and pay/claim interest on the related changes in prior years taxes on Form 8697. Note that certain small contracts are not subject to the "look-back rule." See TRA 1997 for changes in interest calculations and election to not apply look-back method.	<hr/>	<hr/>	<hr/>
302) For home office deduction consider rules for storage of inventory and product samples. (SBJPA 1996)	<hr/>	<hr/>	<hr/>
303) If employer included 100% of value of use of employer provided auto, etc., on W-2 inquire:			
.1) If client has evidence to support deduction for a portion of the included amount as business use.	<hr/>	<hr/>	<hr/>
.2) If such evidence is written.	<hr/>	<hr/>	<hr/>
304) Determine the applicability of a moving expense deduction and whether any associated reimbursement is properly reported.	<hr/>	<hr/>	<hr/>
305) Determine if the taxpayer is entitled to a deduction for contributions to an IRA or, in the capacity of a self-employed individual, for contributions to a Keogh, a SEP, and or SIMPLE review possible alternatives with taxpayer before the return due date:			
.1) Determine that IRA contributions have been or will be made no later than April 15, 1998. Keogh/SEP/SIMPLE plan contributions must be made by the due date of the return, including extensions. Note the earnings limit.	<hr/>	<hr/>	<hr/>
.2) Alimony income qualifies for IRA contributions.	<hr/>	<hr/>	<hr/>
.3) Consider increase in IRA contribution amount allowed for nonworking spouse. (SBJPA 1996).	<hr/>	<hr/>	<hr/>
.4) Prepare Form 8606 for non-deductible IRA contributions.	<hr/>	<hr/>	<hr/>
.5) Consider informing client about a possible need to file Form 5500 series.	<hr/>	<hr/>	<hr/>
.6) Determine that Keogh plan was adopted prior to year end.	<hr/>	<hr/>	<hr/>
306) For medical deductions consider:			

INDIVIDUAL INCOME TAX RETURN CHECKLIST
1997 - FORM 1040

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.1) Medical travel deductions.	_____	_____	_____
.2) Deduction of Medicare premiums.	_____	_____	_____
.3) Self-employed health insurance premiums including more than 2% S corporations shareholders. Note new allowable percentage. Note that eligibility to take an above-the-line deduction for long-term health care premiums is considered separately from eligibility to take a deduction for health care premiums. (TRA 1997)	_____	_____	_____
.4) Contributions to a medical savings account (MSA) (HIPAA 1996)	_____	_____	_____
.5) Deduction of qualifying long-term care services and certain long-term care insurance premiums. (HIPAA 1996)	_____	_____	_____
307) Allocation of interest expense:			
.1) Determine that the proper allocations have been made by type (trade or business, investment, passive activity, tax-exempt expenditures, etc.).	_____	_____	_____
.2) For interest on debts allocated to more than one expenditure, determine that the proper ordering of loan repayments has been considered.	_____	_____	_____
.3) Determine that the interest has been properly reallocated when either:			
.a) The subject of the first expenditure has been disposed of and the proceeds are used for another expenditure, or	_____	_____	_____
.b) The character of the expenditure has changed.	_____	_____	_____
308) Investment interest:			
.1) Limit the taxpayer's deduction for investment interest to net investment income.	_____	_____	_____
.2) In computing net investment income, deduct investment expenses after application of the 2% AGI floor.	_____	_____	_____
.3) Consider the election to treat net long-term capital gain as investment income subject to ordinary income tax rates.	_____	_____	_____

INDIVIDUAL INCOME TAX RETURN CHECKLIST
1997 - FORM 1040

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
309) Determine that personal interest was not deducted.	_____	_____	_____
310) Qualified residence interest:			
.1) Determine that qualified residence interest is limited to the principal residence of the taxpayer and one other qualified residence of the taxpayer; that all such debts are secured by such residences and "perfected" and the deduction is limited to:			
.a) Interest paid on acquisition indebtedness.	_____	_____	_____
.b) Home equity indebtedness.	_____	_____	_____
.2) Consider election out of qualified residence interest for appropriate debt (interest on excess debt may be classified as investment interest, etc.)	_____	_____	_____
.3) Provide complete information for interest deductions on seller provided financing.	_____	_____	_____
.4) Determine if points were paid at closing for acquisition indebtedness or amortizable points paid on refinancing.	_____	_____	_____
.5) Determine if points were paid at closing for acquisition indebtedness by seller (see Rev. Proc. 94-27).	_____	_____	_____
.6) Consider § 265 limitations when taxpayer has tax-exempt income.	_____	_____	_____
311) Determine if interest deduction limitations apply to interest incurred to purchase or carry market discount bonds or short-term debt obligations.	_____	_____	_____
312) Other interest issues:			
.1) Treat amortizable bond premium (for bonds acquired after 1987) as an offset to interest income.	_____	_____	_____
.2) Consider the capitalization of interest rules when the taxpayer is constructing or producing certain real or tangible personal property.	_____	_____	_____
.3) Eliminate interest expense on debts with respect to life insurance policies (purchased after June 20, 1986) on current or former beneficial owners and key employees to the extent that the total of such loans exceeds \$50,000. Note phase-in rules under			

INDIVIDUAL INCOME TAX RETURN CHECKLIST
1997 - FORM 1040

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
HIPAA 1996 and additional limitations for new or materially changed contracts issued after June 8, 1997. (TRA 1997)	_____	_____	_____
.4) Determine that interest is not claimed for a loan made or renewed after 1986 from a qualified retirement plan to a key employee or if such loan is guaranteed by § 401(k) deferrals.	_____	_____	_____
.5) Consider treatment of interest on debt used to acquire an interest in a pass-through entity, and the self-charged interest provisions.	_____	_____	_____
.6) Consider treatment of interest on debt financed distributions from pass-through entities.	_____	_____	_____
313) For charitable contributions consider:			
.1) If all contributions are to qualified charitable organizations.	_____	_____	_____
.2) Charitable contribution limitations.	_____	_____	_____
.3) Reduction of contribution deduction due to value of college athletic tickets or token benefits.	_____	_____	_____
.4) Charitable travel deduction.	_____	_____	_____
.5) Non-cash contributions in excess of \$500 require Form 8283 and possibly an appraisal.	_____	_____	_____
.6) If adequate contemporaneous documentation was obtained for contributions of \$250 or more (and quid pro quo contributions in excess of \$75).	_____	_____	_____
.7) The exception allowing the deduction of the fair market value of qualified appreciated stock donated to a private foundation through June 30, 1998. (TRA 1997)	_____	_____	_____
314) Review all personal casualty gains and losses for proper reporting. Consider option to deduct current year qualifying losses on preceding year tax return by filing an amended return.	_____	_____	_____
315) Consider vacation home deduction limitations.	_____	_____	_____
316) Inquire if the taxpayer can substantiate by adequate records, as required under § 274, expenses claimed for entertainment, gifts, travel, conventions, and listed property. Consider optional per diem method. Note limitations on deductibility of certain non-employee travel expenses.	_____	_____	_____

INDIVIDUAL INCOME TAX RETURN CHECKLIST
1997 - FORM 1040

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
317) Limit meals and entertainment deduction to the allowable percentage. Consider exceptions.	_____	_____	_____
318) Consider deduction of unused loss carryovers and excess deductions on termination from estates and trusts.	_____	_____	_____
319) Inquire whether taxpayer has bad debts or § 1244 stock transactions to be reflected in the current year return.	_____	_____	_____
320) Review partially worthless debt for write-off under Temp. Reg. § 1.166-3T.	_____	_____	_____
321) Consider limitations on deducting expenses related to federally tax-exempt income. Note that these expenses may be deductible at the state level if the related income is state taxable.	_____	_____	_____
322) Consider that otherwise allowable deductions, other than medical costs, casualty and theft losses, and investment interest, are reduced by 3% of the taxpayer's adjusted gross income in excess of the threshold amount.	_____	_____	_____
323) If this is the first year that the taxpayer has incurred real property taxes, determine if a § 461(c) election to accrue ratably is more beneficial than adopting the recurring item exception (Rev. Proc. 92-28).	_____	_____	_____
324) Determine the deductibility of club dues (§ 274(a)(3)).	_____	_____	_____
325) Inquire if trade association dues include nondeductible lobbying expenses.	_____	_____	_____
326) Determine that certain lobbying expenses are not deducted. Note exceptions.	_____	_____	_____
400) DEPRECIATION			
401) For assets placed in service during the current year:			
.1) Consider § 179 election to expense qualifying assets. Note new allowable amounts. (SBJPA 1996)	_____	_____	_____
.2) Consider § 179A election to expense qualifying clean-fuel vehicles and related refueling property placed in service after June 30, 1993.	_____	_____	_____
.3) Determine the depreciable basis of each asset.	_____	_____	_____

INDIVIDUAL INCOME TAX RETURN CHECKLIST
1997 - FORM 1040

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.4) Determine the property class, recovery period and depreciation method for each asset. Note new limitations on property qualifying for income forecast method and designated lives of rent-to-own property. (TRA 1997)	_____	_____	_____
.5) Determine the applicable convention (half-year, mid-quarter or mid-month).	_____	_____	_____
.6) Determine that the cost of leasehold improvements is being recovered over the applicable recovery period, regardless of the lease period.	_____	_____	_____
.7) Consider 36-month depreciation rules for software.	_____	_____	_____
.8) Consider reduced depreciable lives for real estate improvements and special use structure.	_____	_____	_____
.9) Consider electing the Alternative Depreciation System (straight line over an ADS recovery period) for qualifying General Depreciation System property.	_____	_____	_____
.10) For farming, determine that MACRS is applied using 150% DB. Note ADS required if elected out of § 263A.	_____	_____	_____
.11) If property is leased to a tax-exempt entity, consider the possible need to use the ADS.	_____	_____	_____
.12) Consider depreciation limitations for IDB financed property, and certified historic structures for which a tax credit was taken.	_____	_____	_____
.13) If a short year, determine that Rev. Proc. 89-15 is followed.	_____	_____	_____
.14) If there has been a purchase price adjustment, see Prop. Reg. § 1.168-2 (d)(3).	_____	_____	_____
.15) Determine if interest is payable under look-back method where income forecast method is used (SBJPA 1996). Note interest calculation change. (TRA 1997)	_____	_____	_____
.16) Consider accelerated depreciation for qualifying property located on Indian reservations.	_____	_____	_____
402) Determine that amortizable items, including goodwill, are written off over the correct periods.	_____	_____	_____

INDIVIDUAL INCOME TAX RETURN CHECKLIST

1997 - FORM 1040

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
403) Consider the provisions of Rev. Proc. 96-31 to rectify prior year claims of less than allowable depreciation or amortization.	_____	_____	_____
404) Determine if leased property/equipment should be capitalized.	_____	_____	_____
405) Consider anti-churning rules.	_____	_____	_____
406) For listed property (e.g., cellular phones, autos, computers, airplanes, boats):			
.1) For autos, consider the maximum allowable under the luxury auto rules. Note TRA 1997 exceptions for clean burning and electric vehicles.	_____	_____	_____
.2) For autos, determine limitation if the business usage is 50% or less.	_____	_____	_____
.3) Determine limitations for all other mixed-use property, if the business usage is 50% or less.	_____	_____	_____
.4) Inquire if the individual has kept the required records indicating the business and personal use of property. Note that certain travel between home and temporary work locations is considered business.	_____	_____	_____
.5) Determine recapture if the business usage is 50% or less.	_____	_____	_____
407) Form 4562 if required:			
.1) Reconcile depreciation expense to supporting schedules.	_____	_____	_____
.2) Complete all questions regarding personal use of listed property. Also applies to standard mileage rate autos unless Form 2106 or Schedule C Part IV is used.	_____	_____	_____
.3) If costs were incurred during the current year, determine that all amortizable items are separately stated and the proper Code section cited.	_____	_____	_____
408) Consider state depreciation, if different.	_____	_____	_____
409) Consider federal and state AMT depreciation.	_____	_____	_____
410) Make adjustments for depreciable assets which are demolished, obsolete, abandoned and/or out of service. Consider credit recapture.	_____	_____	_____

INDIVIDUAL INCOME TAX RETURN CHECKLIST
1997 - FORM 1040

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
411) Report depreciation recapture and related investment credit recapture if taxpayer converted depreciable business assets to non-business personal assets.	_____	_____	_____
500) TAX COMPUTATIONS AND CREDITS			
501) Compute regular tax.	_____	_____	_____
.1) Consider phase-out of personal exemptions.	_____	_____	_____
.2) Consider capital gains tax computation, noting various rates depending on type of asset and holding period. (TRA 1997)	_____	_____	_____
502) Alternative minimum tax must be computed by making adjustments such as:			
.1) Personal exemptions allowed in computing regular tax liability.	_____	_____	_____
.2) Depreciation on property placed in service after 1986 (or July 31, 1986, if election was made) must be recomputed using the alternative depreciation system (Rev. Proc. 87-57).	_____	_____	_____
.3) Mining, exploration research and experimental costs must be capitalized and amortized over a ten-year period.	_____	_____	_____
.4) Income from long-term contracts entered into after February 28, 1986 must be computed using the percentage-of-completion method of accounting. Note exception for "home construction contracts."	_____	_____	_____
.5) Income from post-February 28, 1986, dispositions of real or personal property held for sale in the ordinary course of business shall be determined without regard to the installment method, except in cases where an election is made to pay interest on the tax deferred by the qualified installment sale.	_____	_____	_____
.6) Use AMT net operating loss (NOL) deduction in place of the regular NOL deduction. Post-1986 AMT NOL is available only to the extent of 90% of pre-NOL AMTI.	_____	_____	_____
.7) Compute gains/losses on sales and exchanges using the AMT adjusted basis.	_____	_____	_____
.8) The spread between the fair market value at the time of exercise and the purchase price of incentive stock options. Consider exception for early disposition.	_____	_____	_____

INDIVIDUAL INCOME TAX RETURN CHECKLIST
1997 - FORM 1040

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR</u> <u>EXPLANATION</u>
.9) Adjust itemized deductions for the following AMT rules:			
.a) No deduction is allowed for miscellaneous itemized deductions or most taxes.	_____	_____	_____
.b) Medical expenses are subject to a 10% floor.	_____	_____	_____
.c) Qualified housing interest expense is restricted.	_____	_____	_____
.d) State tax refunds are excluded from AMTI.	_____	_____	_____
.e) Overall itemized deduction limitation (3% rule) amount is added back.	_____	_____	_____
.10) The following preference items must be added:			
.a) Excess intangible drilling costs. (Consider election to amortize over 60 months and the § 57(a)(2)(E) exclusion.)	_____	_____	_____
.b) Tax-exempt interest on private activity bonds issued after August 7, 1986.	_____	_____	_____
.c) Accelerated depreciation on real and leased personal property placed in service before January 1, 1987.	_____	_____	_____
.11) Consider special rules denying certain losses for AMT purposes:			
.a) Net passive activity losses as adjusted for tax preferences (Form 8582).	_____	_____	_____
.b) Certain farm losses.	_____	_____	_____
.c) Insolvent taxpayers.	_____	_____	_____
.12) Consider AMT foreign tax credit.	_____	_____	_____
503) Consider tax credits such as:			
.1) Child and dependent care credit.	_____	_____	_____
.2) Credit for the elderly or disabled. (Schedule R)	_____	_____	_____
.3) Adoption credit. Note that the adoption credit may be allowed for adoption expenses paid or incurred in a tax year after the year in which the adoption become final. (TRA 1997)	_____	_____	_____

INDIVIDUAL INCOME TAX RETURN CHECKLIST
1997 - FORM 1040

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.4) Credit for interest paid on Mortgage Credit Certificates. (Form 8396)	_____	_____	_____
.5) Foreign tax credit. (Form 1116)	_____	_____	_____
.6) Enhanced oil recovery credit. (Form 8830)	_____	_____	_____
.7) Credit for providing fuel from non-conventional sources.	_____	_____	_____
.8) Earned income credit. (Schedule EIC)(PRWORA 1996)	_____	_____	_____
.9) General business credit.	_____	_____	_____
.10) Research and Experimentation Credit. (Form 6765) See TRA 1997 for extension through June 30, 1998.	_____	_____	_____
.11) Low income housing credit. (Form 8586)	_____	_____	_____
.12) Disabled access credit. (Form 8826)	_____	_____	_____
.13) Rehabilitation credit.	_____	_____	_____
.14) Minimum tax credit.	_____	_____	_____
.15) Credit for employer-paid social security taxes on employee cash tips. (SBJPA) (Form 8846)	_____	_____	_____
.16) Empowerment zone employment credit.	_____	_____	_____
.17) Credit for purchase of diesel-powered vehicles.	_____	_____	_____
.18) Credit for qualified clinical testing expenses (Orphan Drug Credit and associated carrybacks and carryovers. (SBJPA) Note permanently extended under TRA 1997.	_____	_____	_____
.19) Work opportunity credit for eligible employees who begin work after September 30, 1996 and before July 1, 1998. (Form 5884) (SBJPA 1996 and TRA 1997)	_____	_____	_____
504) Determine if the taxpayer is subject to:			
.1) Self-employment tax. (See SBJPA 1996 for new rule on minister retirement benefits.)	_____	_____	_____
.2) Investment credit recapture.	_____	_____	_____

INDIVIDUAL INCOME TAX RETURN CHECKLIST

1997 - FORM 1040

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.3) Social security tax on tip income.	_____	_____	_____
.4) Form 5329 - tax on:			
.a) Premature distributions.	_____	_____	_____
.b) Overfunding of IRAs and other qualified plans.	_____	_____	_____
.c) Failure to withdraw.	_____	_____	_____
.5) Tax on trust accumulation distributions.	_____	_____	_____
505) Determine if the taxpayer has paid excess FICA.	_____	_____	_____
506) Determine if there was withholding on interest, dividends, sale transactions, retirement plan distributions or other sources of income.	_____	_____	_____
507) Confirm amounts and dates of any federal, state and local estimated tax deposits/payments (including withholding) for the year, prior year overpayments, and extension payments.	_____	_____	_____
508) If withholding and estimated tax payments are less than 90% of the tax liability, consider filing Form 2210. Note exception under TRA 1997.	_____	_____	_____
509) Consider changes needed in withholding or estimated tax for the forthcoming year and set up estimated tax payments including adequate coverage for household employment taxes.	_____	_____	_____
510) Consider filing Form 9465, Installment Agreement Request. Note effect on any existing installment agreements.	_____	_____	_____
600) OTHER REQUIREMENTS			
601) Compare taxable income to projections for reasonableness.	_____	_____	_____
602) If the taxpayer sold partnership interests during year, determine:			
.1) That appropriate information was given to the partnership to enable it to prepare Form 8308.	_____	_____	_____
.2) That the required statement under Reg. § 1.751-1(a)(3) is attached if the partnership had § 751(a) assets.	_____	_____	_____
603) Determine if Form 8271 is required for tax shelters.	_____	_____	_____

INDIVIDUAL INCOME TAX RETURN CHECKLIST

1997 - FORM 1040

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
604) Consider capitalizing carrying charges (interest, taxes, etc.) on nonproductive property.	_____	_____	_____
605) Determine if expenditures were incurred that are eligible for the disabled access credit (see Form 8826). If taxpayer does not qualify for the credit or has expenditures in excess of credit limit, consider making § 190 election to expense cost.	_____	_____	_____
606) Consider the election to forego the net operating loss carryback:			
.1) If electing to forego - attach required statement.	_____	_____	_____
.2) If carrying back - prepare Form 1045 or Form 1040X.	_____	_____	_____
.3) Consider state differences.	_____	_____	_____
607) If the taxpayer is divorced or separated:			
.1) Obtain a copy of the applicable documents.	_____	_____	_____
.2) Determine the appropriate basis of property transferred.	_____	_____	_____
.3) Attach Form 8332 or a copy of the authorizing documentation for dependency exemption on non-custodial parent's tax return.	_____	_____	_____
608) If under age 14 dependent meets filing requirements:			
.1) Consider need to disclose taxable income information on dependent's returns.	_____	_____	_____
.2) If parent elects to report child's interest and dividends, prepare Form 8814.	_____	_____	_____
609) If final return of deceased taxpayer, determine if the proper allocation has been made for all items of income, deduction and credits between this return and the estate income tax return.	_____	_____	_____
610) If the taxpayer has made an "applicable asset acquisition" transfer of assets (that constitute a trade or business), determine that applicable reporting requirements regarding allocation of purchase price have been met. (Form 8594)	_____	_____	_____
611) Consider § 6662 accuracy-related penalty. If this penalty could apply:			
.1) Consider if substantial authority exists for the item in question. If not, consider disclosure (Form 8275 or 8275R).	_____	_____	_____

INDIVIDUAL INCOME TAX RETURN CHECKLIST
1997 - FORM 1040

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.2) Consider advising the taxpayer, in writing, of the penalty.	_____	_____	_____
612) Prepare state and local tax returns. Review each state's modification requirements. Note that some states' filing requirements are based on federal AGI. Taxpayer may be required to file even though taxpayer has negative AGI in that state.	_____	_____	_____
613) If filing multistate returns, determine if a credit may be claimed on resident state tax return for taxes paid to other states.	_____	_____	_____
614) Information returns:			
.1) Inquire whether the taxpayer has filed all required information returns (1098 and 1099 series) and whether the value of personal use portion of employer property, expense reimbursements under "unaccountable plans" and § 401(k) deferred compensation information has been included in employees' W-2s.	_____	_____	_____
.2) Inquire if the taxpayer has complied with magnetic media filing requirements for Forms 1099 and W-2.	_____	_____	_____
.3) Inquire if additional items subject to employer FICA such as § 401(k) deferrals, employer-provided excess group-term life insurance, all cash tips, etc., have been properly reported.	_____	_____	_____
.4) Consider filing information returns relating to foreign partnerships and corporations. (TRA 1997)	_____	_____	_____
615) Inquire if employment taxes were timely deposited. Consider EFTPS requirements.	_____	_____	_____
616) Consider informing client of requirement to file Form 8300 for certain payments received exceeding \$10,000.	_____	_____	_____
617) Determine that 5500 series forms have been filed for cafeteria plans and for welfare benefit plans (e.g., medical benefit plans, life insurance, disability or death benefit plans) that have more than 100 participants.	_____	_____	_____
618) Determine if Form TD F 90-22.1 is needed to report foreign financial accounts.	_____	_____	_____
619) Inquire if gift tax returns are required.	_____	_____	_____
620) For gifts received after August 20, 1996 by a U.S. person from foreign donors under § 6039F, consider need to file information return. (HIPAA 1996)	_____	_____	_____

INDIVIDUAL INCOME TAX RETURN CHECKLIST

1997 - FORM 1040

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
621) Include Form 1040V for payments noting IRS lockbox address.	_____	_____	_____
622) Consider direct deposit for refunds.	_____	_____	_____
623) Include/attach extension request(s).	_____	_____	_____
624) Prepare filing instructions and transmittal letter.	_____	_____	_____
625) Note tax planning/additional service suggestions.	_____	_____	_____

COMMENTS OR EXPLANATIONS

MINI-CHECKLIST

ESTATE AND TRUST INCOME TAX RETURN

1997 - FORM 1041

Client Name and Number: _____

Prepared by: _____ Date: _____ Reviewed by: _____ Date: _____

	<u>Done</u>	<u>N/A</u>		<u>Done</u>	<u>N/A</u>
<div style="border: 1px solid black; display: inline-block; padding: 2px 5px; margin-bottom: 5px;">GENERAL INFORMATION</div>					
1. Review and update taxpayer information including beneficiaries' names, addresses, social security numbers and birth dates.	<input type="checkbox"/>	<input type="checkbox"/>	23. Determine if a foreign trust.	<input type="checkbox"/>	<input type="checkbox"/>
2. Complete Form 1040 Schedule H.	<input type="checkbox"/>	<input type="checkbox"/>	24. Confirm proof as U.S. citizens for grantor and beneficiaries.	<input type="checkbox"/>	<input type="checkbox"/>
3. Review prior year returns, workpapers, correspondence and audit results.	<input type="checkbox"/>	<input type="checkbox"/>	<div style="border: 1px solid black; display: inline-block; padding: 2px 5px;">INCOME</div>		
4. Consider signed engagement letter.	<input type="checkbox"/>	<input type="checkbox"/>	1. Compare sources of income with prior year.	<input type="checkbox"/>	<input type="checkbox"/>
5. Check for carryovers and update schedules including effect of prior tax audits.	<input type="checkbox"/>	<input type="checkbox"/>	2. Properly report all adjustments from changes in period or method.	<input type="checkbox"/>	<input type="checkbox"/>
6. Verify that a copy of will or trust agreement, Form 706 or Form 709 is in file.	<input type="checkbox"/>	<input type="checkbox"/>	3. Sale or dispositions of property:		
7. Verify classification of trust (grantor, simple, complex, bankruptcy, etc.).	<input type="checkbox"/>	<input type="checkbox"/>	Check for related party sales & consequences.	<input type="checkbox"/>	<input type="checkbox"/>
8. Determine situs of trust.	<input type="checkbox"/>	<input type="checkbox"/>	Like-kind exchanges.	<input type="checkbox"/>	<input type="checkbox"/>
9. Determine residencies of trustee(s) and beneficiaries.	<input type="checkbox"/>	<input type="checkbox"/>	Utilize suspended losses.	<input type="checkbox"/>	<input type="checkbox"/>
10. Determine state filing requirements.	<input type="checkbox"/>	<input type="checkbox"/>	Installment sales:		
11. Determine basis for all assets received.	<input type="checkbox"/>	<input type="checkbox"/>	Depreciation recapture reported in year of sale	<input type="checkbox"/>	<input type="checkbox"/>
12. Inquire if foreign financial accounts exist.	<input type="checkbox"/>	<input type="checkbox"/>	Adequate interest rate	<input type="checkbox"/>	<input type="checkbox"/>
13. Determine basis adjustment due to grantor's death.	<input type="checkbox"/>	<input type="checkbox"/>	Consider electing out of installment sale treatment	<input type="checkbox"/>	<input type="checkbox"/>
14. If first return, allocate income and deductions among trust, estate and/or 1040.	<input type="checkbox"/>	<input type="checkbox"/>	Report proper amount from pledging receivables	<input type="checkbox"/>	<input type="checkbox"/>
15. Determine changes in interests of beneficiaries during year.	<input type="checkbox"/>	<input type="checkbox"/>	Involuntary conversions. See SBJPA 1996 and TRA 1997.	<input type="checkbox"/>	<input type="checkbox"/>
16. Review pro forma/organizer for accuracy.	<input type="checkbox"/>	<input type="checkbox"/>	4. Determine holding period and basis of sold assets.	<input type="checkbox"/>	<input type="checkbox"/>
17. Review accounting methods.	<input type="checkbox"/>	<input type="checkbox"/>	5. Review passive loss limitations and carryovers.	<input type="checkbox"/>	<input type="checkbox"/>
18. Determine if Form 56 is necessary.	<input type="checkbox"/>	<input type="checkbox"/>	6. Determine separate passive activity reporting.	<input type="checkbox"/>	<input type="checkbox"/>
19. Review for trust termination date.	<input type="checkbox"/>	<input type="checkbox"/>	7. Review K-1s for proper reporting of data.	<input type="checkbox"/>	<input type="checkbox"/>
20. Inquire about trustee changes.	<input type="checkbox"/>	<input type="checkbox"/>	8. Consider election for gain/loss on distributed property (§ 643(e)).	<input type="checkbox"/>	<input type="checkbox"/>
21. Note GST inclusion ratio and determine that adequate support is in the file to verify inclusion ratio.	<input type="checkbox"/>	<input type="checkbox"/>	9. Compute trust accounting income.	<input type="checkbox"/>	<input type="checkbox"/>
22. Consider filing power of attorney.	<input type="checkbox"/>	<input type="checkbox"/>	10. Determine if capital gains are allocated to DNI.	<input type="checkbox"/>	<input type="checkbox"/>
			11. Determine if property sold was contributed to trust within 2 years of sale. (§ 644).	<input type="checkbox"/>	<input type="checkbox"/>
			12. Determine if discharge of indebtedness income.	<input type="checkbox"/>	<input type="checkbox"/>
			13. Determine limitation on losses from related party transactions.	<input type="checkbox"/>	<input type="checkbox"/>

MINI-CHECKLIST
ESTATE AND TRUST INCOME TAX RETURN
1997 - FORM 1041

	<u>Done</u>	<u>N/A</u>		<u>Done</u>	<u>N/A</u>
DEDUCTIONS			3. Inquire if information returns have been filed.	<input type="checkbox"/>	<input type="checkbox"/>
1. Determine proper allocations and limitations on interest expense relating to the following expenditures: investments, trade/business, passive, tax-exempt, etc.	<input type="checkbox"/>	<input type="checkbox"/>	4. Consider election to forego NOL carryback.	<input type="checkbox"/>	<input type="checkbox"/>
2. If tax exempt income, allocate deductions.	<input type="checkbox"/>	<input type="checkbox"/>	5. Prepare state income and intangibles returns.	<input type="checkbox"/>	<input type="checkbox"/>
3. Consider depreciation requirements.	<input type="checkbox"/>	<input type="checkbox"/>	6. Consider credits for multistate returns.	<input type="checkbox"/>	<input type="checkbox"/>
4. Determine that amortizable items are written off over the correct period.	<input type="checkbox"/>	<input type="checkbox"/>	7. Determine excess deductions or losses available to beneficiaries in final year.	<input type="checkbox"/>	<input type="checkbox"/>
5. Inquire about other possible deductions (charitable, taxes, business, worthless securities, casualty losses).	<input type="checkbox"/>	<input type="checkbox"/>	8. Determine if a generation skipping distribution was made, prepare Form 706 GS(T) or GS(D) and (D-1).	<input type="checkbox"/>	<input type="checkbox"/>
6. T&E expenses - inquire if support is adequate.	<input type="checkbox"/>	<input type="checkbox"/>	9. Consider risk of accuracy-related penalty (§ 6662).	<input type="checkbox"/>	<input type="checkbox"/>
7. Limit deduction for meals and entertainment to allowable percentage.	<input type="checkbox"/>	<input type="checkbox"/>	10. Attach extension request(s).	<input type="checkbox"/>	<input type="checkbox"/>
8. Compute distribution deduction.	<input type="checkbox"/>	<input type="checkbox"/>	11. Note tax planning/additional service suggestions.	<input type="checkbox"/>	<input type="checkbox"/>
9. Determine if there is a 65-day distribution.	<input type="checkbox"/>	<input type="checkbox"/>			
10. Determine if a deduction for estate tax attributable to income in respect of a decedent is available.	<input type="checkbox"/>	<input type="checkbox"/>			
11. If current distributions are in excess of trust accounting income, determine if throwback provisions are applicable and complete Schedule J.	<input type="checkbox"/>	<input type="checkbox"/>			
TAX COMPUTATION AND CREDITS					
1. Compute tax, including AMT.	<input type="checkbox"/>	<input type="checkbox"/>			
2. Compute AMT-DNI.	<input type="checkbox"/>	<input type="checkbox"/>			
3. Compute credit recapture.	<input type="checkbox"/>	<input type="checkbox"/>			
4. Confirm for prior year overpayments, estimates and extension payments.	<input type="checkbox"/>	<input type="checkbox"/>			
5. Prepare estimated tax vouchers.	<input type="checkbox"/>	<input type="checkbox"/>			
6. Determine whether estimated tax should be 100% or 110% of prior year.	<input type="checkbox"/>	<input type="checkbox"/>			
7. Compute underpayment penalties. (TRA 1997)	<input type="checkbox"/>	<input type="checkbox"/>			
8. Consider tax credits. (SBJPA 1996 and TRA 1997).	<input type="checkbox"/>	<input type="checkbox"/>			
OTHER REQUIREMENTS					
1. Prepare Schedule(s) K-1.	<input type="checkbox"/>	<input type="checkbox"/>			
2. If trust tax payments are allocated to beneficiaries, file Form 1041-T within 65 days of year end.	<input type="checkbox"/>	<input type="checkbox"/>			

SHORT VERSION
ESTATE AND TRUST INCOME TAX RETURN CHECKLIST
1997 - FORM 1041

Client Name and Number: _____

Prepared by: _____ Date: _____ Reviewed by: _____ Date: _____

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
100) GENERAL INFORMATION			
101) Review and update trust's name, address, beneficiaries, social security numbers, etc., and IRS and other tax processing centers.	_____	_____	_____
102) Determine if taxpayer had household employees. Complete Form 1040 Schedule H.	_____	_____	_____
103) Review permanent file, prior returns, workpapers, etc.	_____	_____	_____
104) Consider signed engagement letter.	_____	_____	_____
105) Obtain information concerning IRS, state tax audits, and/or correspondence.	_____	_____	_____
106) Check for carryover items and update carryforward schedules including effect of prior tax audits.	_____	_____	_____
107) Verify that copies of will or trust and Form 706, or 709, if applicable and the date created for GST purposes are in the file.	_____	_____	_____
108) Determine proper classification of trust (grantor, simple, complex, unitrust, annuity, bankruptcy estate).	_____	_____	_____
109) Determine proper basis of property passing from a decedent.	_____	_____	_____
110) Determine situs of trust.	_____	_____	_____
111) Determine residencies of trustee(s) and beneficiaries.	_____	_____	_____
112) Review computer-generated pro forma/organizer for accuracy.	_____	_____	_____
113) Determine state filing requirements.	_____	_____	_____
114) Determine if accounting methods used are comparable to the preceding year unless changes are approved or required.	_____	_____	_____
115) Determine if there have been any changes in income interests or rights over corpus of beneficiaries during the year.	_____	_____	_____

SHORT VERSION
ESTATE AND TRUST INCOME TAX RETURN CHECKLIST
1997 - FORM 1041

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|--|-------|-------|-------|
| 116) Inquire about changes in trustees. | _____ | _____ | _____ |
| 117) Determine if gift tax returns are required by grantor. | _____ | _____ | _____ |
| 118) Consider obtaining copies of marriage, birth and death certificates. | _____ | _____ | _____ |
| 119) Consider obtaining documentation affirming grantor's and beneficiaries' status as U.S. citizens. | _____ | _____ | _____ |
| 120) If first return, determine proper allocation of income and deductions between trust, estate, and/or 1040. | _____ | _____ | _____ |
| 121) Review trust for termination date. | _____ | _____ | _____ |
| 122) If a trust, determine accounting income. | _____ | _____ | _____ |
| 123) Consider filing Form 56 (not required). | _____ | _____ | _____ |
| 124) Determine that all current adjustments from changes in accounting method and period are reported. | _____ | _____ | _____ |
| 125) Inquire if foreign financial accounts exist. | _____ | _____ | _____ |
| 126) Note GST exclusion ratio and determine that adequate support is in the file to verify inclusion ratio. | _____ | _____ | _____ |
| 127) Consider filing power of attorney. | _____ | _____ | _____ |
| 128) Determine if a foreign trust. | _____ | _____ | _____ |
| 129) Determine if a U.S. person created or transferred property to a foreign trust. (SBJPA 1996) | _____ | _____ | _____ |
| 130) Determine proper reporting if foreign trust has a U.S. grantor or the trust made distributions to a U.S. person. (SBJPA 1996) | _____ | _____ | _____ |
| 131) Determine if an "abusive trust arrangement" exists. | _____ | _____ | _____ |
| 200) INCOME | | | |
| 201) Compare sources of income with prior year. | _____ | _____ | _____ |
| 202) Sale or dispositions of property: | | | |
| .1) Check for recapture items. | _____ | _____ | _____ |
| .2) Review interest rates on debt instruments. | _____ | _____ | _____ |

SHORT VERSION
ESTATE AND TRUST INCOME TAX RETURN CHECKLIST
1997 - FORM 1041

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|---|-------|-------|-------|
| .3) Consider installment reporting for sales that qualify. | _____ | _____ | _____ |
| .4) Report proper amount from pledging installment receivables. | _____ | _____ | _____ |
| .5) Determine the holding period and federal, state, and AMT tax bases of disposed property. | _____ | _____ | _____ |
| .6) Determine the effect of dividends (stock and reinvested) and OID on basis of sold assets. | _____ | _____ | _____ |
| .7) Consider rules for related party and like-kind exchanges (Form 8824). | _____ | _____ | _____ |
| .8) Utilize suspended losses. | _____ | _____ | _____ |
| .9) Involuntary conversions. SBJPA 1996. | _____ | _____ | _____ |
| 203) Report gains on constructive sales of appreciated financial positions occurring after June 8, 1997. (TRA 1997) | _____ | _____ | _____ |
| 204) Determine if property sold before August 6, 1997 was contributed to trust within 2 years of sale (§ 644). (TRA 1997) | _____ | _____ | _____ |
| 205) Determine proper reporting of all annuities (SBJPA 1996), qualified retirement plans, IRAs, etc. | _____ | _____ | _____ |
| 206) Determine separate passive activity reporting. | _____ | _____ | _____ |
| 207) Consider regular and AMT passive activity loss limitations, carryovers and elections (see Passive Activity checklist). | _____ | _____ | _____ |
| 208) Review K-1s to determine that all are present and that all items have been properly reported. | _____ | _____ | _____ |
| 209) Inquire about other possible sources of income such as salaries, dividends, interest, rents, taxable fringe benefits, etc. | _____ | _____ | _____ |
| 210) Determine that gain is reported if appreciated property is used to satisfy pecuniary bequest. | _____ | _____ | _____ |
| 211) Consider the election to recognize gain or loss when property is distributed (§ 643(e)). | _____ | _____ | _____ |
| 212) Consider ordinary income treatment from gain on sale of market discount bonds. | _____ | _____ | _____ |

SHORT VERSION
ESTATE AND TRUST INCOME TAX RETURN CHECKLIST
1997 - FORM 1041

213) Consider the mark to market rules for dealers in securities (§ 475).

214) Determine if there is income from discharge of indebtedness.
Consider exclusion and elections under § 108 and Form 982.

300) DEDUCTIONS

301) Determine the proper allocation of and limitations on deductions for interest and other expenses relating to:

.1) Investment expenditures.

.2) Qualified residence interest.

.3) Trade or business expenditures.

.4) Passive activity expenditures.

.5) Tax-exempt investments.

.6) Capitalization of interest during construction.

.7) Inventory and cost of goods sold.

.8) Meals and entertainment expenses (allowable percentage).

.9) Club dues.

302) Consider all depreciation requirements and options including:

.1) Note that § 179 deduction is not allowed.

.2) Requirements relating to listed property.

.3) Determine if leased property should be capitalized.

.4) Determine basis for federal and state purposes.

303) Determine that amortizable items, including goodwill, are written off over the correct periods.

304) Inquire about other possible deductions such as charitable contributions, taxes, employee business expense, worthless securities, casualty losses, vacation homes, etc.

305) Determine amount of distribution deduction.

SHORT VERSION
ESTATE AND TRUST INCOME TAX RETURN CHECKLIST
1997 - FORM 1041

- 306) Determine if loans made after Sept. 19, 1995 by a foreign trust to a U.S. grantor or beneficiary should be treated as distributions. _____
- 307) Consider 65 day distribution election for complex trusts. _____
- 308) Determine the amount of deduction for estate tax attributable to income in respect of decedent, including generation skipping transfer tax. _____
- 309) Attach proper election for items deducted on Form 1041 that could have been claimed on Form 706. _____
- 310) Determine passive activity reporting for activities distributed to beneficiaries. _____
- 311) Determine limitation on losses from related party transactions. _____
- 312) Determine if basis limitation rules apply, e.g., §§ 267, 469, 704(d), 1366(d). _____
- 400) TAX COMPUTATION AND CREDITS
- 401) Compute tax, including alternative minimum tax. _____
- 402) Compute all applicable credits, including carryovers. (See SBJPA 1996 and TRA 1997.) _____
- 403) Claim prior year overpayment applied, estimate payments, and extension payment. _____
- 404) Compute credit recapture. _____
- 405) Compute tax underpayment penalties. _____
- 406) Prepare estimated tax vouchers. (EFTPS) _____
- 407) If estimate is based on prior year, determine if 100% or 110% rule applies. _____
- 408) If multistate filing, claim credit for taxes paid to nonresident states. _____
- 500) OTHER REQUIREMENTS
- 501) Determine that proper classifications of income have been made on Schedule(s) K-1. _____

SHORT VERSION
ESTATE AND TRUST INCOME TAX RETURN CHECKLIST
1997 - FORM 1041

- | | | | |
|---|-------|-------|-------|
| 502) Determine if estimated tax payments should be allocated to beneficiaries. File Form 1041-T within 65 days of year end. | _____ | _____ | _____ |
| 503) Prepare Schedule J if trust made an accumulation distribution. | _____ | _____ | _____ |
| 504) Determine if Form 8271 is required for tax shelters, attach to Schedule K-1. | _____ | _____ | _____ |
| 505) Consider capitalization of carrying charges on non-productive property. | _____ | _____ | _____ |
| 506) Consider election to forego net operating loss carryback. | _____ | _____ | _____ |
| 507) Consider risk of accuracy-related penalty (§ 6662). | _____ | _____ | _____ |
| 508) Prepare state and local tax returns. | _____ | _____ | _____ |
| 509) Determine if excess deductions or losses available to beneficiaries in final year. | _____ | _____ | _____ |
| 510) Determine if there has been a generation skipping distribution, and prepare Form 706GS(D), 706GS(D-1) or 706GS(T). | _____ | _____ | _____ |
| 511) Compare taxable income to projections. | _____ | _____ | _____ |
| 512) Attach extension requests. | _____ | _____ | _____ |
| 513) Inquire if information returns (1098 and 1099 series) have been filed. | _____ | _____ | _____ |
| 514) Inquire if employment taxes paid/timely deposits. (EFTPS) | _____ | _____ | _____ |
| 515) Consider distribution of income reconciliation to beneficiary. | _____ | _____ | _____ |
| 516) Note tax planning/additional service suggestions. | _____ | _____ | _____ |

COMMENTS OR EXPLANATIONS

ESTATE AND TRUST INCOME TAX RETURN CHECKLIST
1997 - FORM 1041

Client Name and Number: _____

Prepared by: _____ Date: _____ Reviewed by: _____ Date: _____

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
100) GENERAL INFORMATION			
101) Review the trust or estate's name, address, fiscal year, type of entity, identification number, date entity was created, and IRS and other processing centers. Note changes.	_____	_____	_____
102) Review permanent file, prior year returns, memos, workpapers, correspondence files.	_____	_____	_____
103) Verify that copies of the trust agreement or will and Form 706 or Form(s) 709, and the date created for GST purposes are in the permanent file. Check for amendments, revisions, litigation, etc., since last review.	_____	_____	_____
104) Inquire about changes in trustees.	_____	_____	_____
105) Determine proper classification of trust (grantor, simple, complex, unitrust, annuity, bankruptcy estate).	_____	_____	_____
106) If grantor trust, consider alternative reporting methods. Note: A final Form 1041 for the tax year immediately preceding first year of alternative reporting should be filed. (Reg. § 1.671-4(g))	_____	_____	_____
107) Consider signed engagement letter.	_____	_____	_____
108) If the trust or estate has been examined by the IRS or state:			
.1) Obtain copies of the revenue agent's reports.	_____	_____	_____
.2) Determine that the agent's adjustments have been entered in the trust's records and appropriate carryover workpapers.	_____	_____	_____
.3) If the agent's adjustments affect federal or state income tax returns of years other than those audited, or the corresponding federal or state returns for the same year, consider filing amended returns.	_____	_____	_____
109) Document the various provisions which determine the tax treatment of income, corpus, and distributions.	_____	_____	_____

ESTATE AND TRUST INCOME TAX RETURN CHECKLIST
1997 - FORM 1041

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
110) Determine that the basis used for property passing from a decedent is based on fair market value at date of death or other applicable estate tax value.	_____	_____	_____
111) Review computer-generated pro forma/organizer for accuracy.	_____	_____	_____
112) Review proper filing requirements if the trust appears to be an "abusive trust arrangement" (aka "Unincorporated Business Trusts"). (Notice 97-24, 1997-16 IRB).	_____	_____	_____
113) Review and update schedules for federal and state carryover items (regular and AMT) such as:			
.1) Update the trust or estate carryforward data schedule for any nontaxable dividends, or reinvested dividends or original issue discount (OID).	_____	_____	_____
.2) Net operating loss.	_____	_____	_____
.3) Capital loss.	_____	_____	_____
.4) Investment credit.	_____	_____	_____
.5) Minimum tax credit.	_____	_____	_____
.6) Other credits.	_____	_____	_____
.7) Installment sales.	_____	_____	_____
.8) Change of accounting adjustments (§ 481).	_____	_____	_____
.9) Passive activity losses/credits.	_____	_____	_____
.10) Suspended losses/credits due to at-risk limitations.	_____	_____	_____
.11) Partnership or S basis.	_____	_____	_____
.12) "Publicly traded partnership" losses.	_____	_____	_____
.13) Investment interest.	_____	_____	_____
.14) Prior year overpayment(s) credited to subsequent year.	_____	_____	_____
.15) Distributions within 65 days of year end exceeding DNI.	_____	_____	_____

ESTATE AND TRUST INCOME TAX RETURN CHECKLIST
1997 - FORM 1041

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
114) Inquire if the trust or estate has made or received any below-market loans. If so, determine imputed interest consequences and existence of properly executed notes.	_____	_____	_____
115) Review for adequate stated interest on debt instruments:			
.1) Determine whether OID or the unstated interest rules require restatement of note interest and principal. Note new regulations under § 1274.	_____	_____	_____
.2) Consider election for purchased discount under § 1278.	_____	_____	_____
116) Review for proper reporting of interest recognition in accordance with Reg. §§ 1.483-4 and 1.1274-5 for debt instrument providing contingent.	_____	_____	_____
117) Determine that accounting methods used are comparable to the preceding year unless changes are approved or required.	_____	_____	_____
118) If accrual method of accounting, note exception from economic performance for recurring items.	_____	_____	_____
119) Inquire that information regarding beneficiaries' names, social security numbers, addresses, states of residency, dates of birth, etc., is correct.	_____	_____	_____
120) Consider obtaining copies of marriage certificates and birth certificates of beneficiaries.	_____	_____	_____
121) Consider obtaining copies of death certificates of decedents (estates) and beneficiaries.	_____	_____	_____
122) Consider obtaining documentation affirming grantor(s) and beneficiaries' status as U.S. citizens.	_____	_____	_____
123) If beneficiary is not a U.S. citizen or resident, determine that current Forms W-8 and 1001 are if file.	_____	_____	_____
124) Determine if there have been changes in income interests of beneficiaries during the year and document.	_____	_____	_____
125) Determine if there have been changes in rights over corpus during the year.	_____	_____	_____
126) If a trust, determine accounting income as provided under the governing document and applicable state law.	_____	_____	_____

ESTATE AND TRUST INCOME TAX RETURN CHECKLIST

1997 - FORM 1041

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
127) Determine whether short-term capital gains distributed by mutual funds, taxed as ordinary income, are to be treated as ordinary income (included in DNI) or as principal, retained by the trust.	_____	_____	_____
128) Ascertain whether this trust is taxed as a corporation. If so, complete the 1120 checklist.	_____	_____	_____
129) Determine if the grantor (or spouse) has a reversionary interest equal to or greater than 5%.	_____	_____	_____
130) Review powers of trustee.	_____	_____	_____
131) Review powers of spouse or others which may cause grantor trust application.	_____	_____	_____
132) Determine situs of trust for state tax filing purposes.	_____	_____	_____
133) Determine residencies of trustees and beneficiaries and related state income tax return filing requirements as a result of their residences.	_____	_____	_____
134) Determine if multistate filing is required.	_____	_____	_____
135) Review respective state income tax structure for differences in reporting from federal.	_____	_____	_____
136) If this is a Clifford Trust, list the reversion date _____.	_____	_____	_____
137) Review trust agreement for termination date; list date _____.	_____	_____	_____
138) Determine holding period and adjusted basis of assets acquired via donor gift.	_____	_____	_____
139) Review capital assets for changes (reorganizations, stock dividends, etc.)	_____	_____	_____
140) If first return, determine proper allocation of income and deductions between trust, estate and/or 1040.	_____	_____	_____
141) If first return of an estate:			
.1) Consider fiscal year filing.	_____	_____	_____
.2) Determine that income in respect of decedent (IRD) has been properly included.	_____	_____	_____
142) Consider filing Form 56 (Fiduciary Relationship Notice) even though not required.	_____	_____	_____

ESTATE AND TRUST INCOME TAX RETURN CHECKLIST**1997 - FORM 1041**

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
143) Determine proper filing if a bankruptcy estate for an individual under Chapter 7 or 11 of the U.S. Code.	_____	_____	_____
144) Determine if taxpayer had household employees.	_____	_____	_____
.1) Obtain state reporting number.	_____	_____	_____
.2) Complete Form 1040 Schedule H.	_____	_____	_____
145) Note GST inclusion ratio and determine that adequate support is in the file to verify inclusion ratio.	_____	_____	_____
146) Consider filing power of attorney.	_____	_____	_____
147) Determine if the trust is a foreign trust.	_____	_____	_____
.1) Determine if trustee will modify the trust to conform to post 1996 standards. If so, consider attaching disclosure statement to returns for two year period. (TRA 1997 § 1601(i)(4)(D)).	_____	_____	_____
.2) If the trust was in existence as of August 20, 1996, consider election to apply post 1996 standards retroactively, if appropriate. (TRA 1997 § 1601(i)(4)).	_____	_____	_____
148) Determine if a U.S. person created a foreign trust. (SBJPA 1996) (TRA 1997 § 1601(i)(3)(A), IRC § 641(b)).	_____	_____	_____
149) Determine if Form 3520/3520A is required to be filed in conjunction with creation of a foreign trust or transfer of property to or receipt of property from a foreign trust. (SBJPA 1996. IRC § 6048(a)). (Note exceptions for Canadian Registered Retirement Savings Plan (RRSP) under U.S.-Canada Treaty)	_____	_____	_____
150) Inquire if a U.S. beneficiary of a foreign trust transferred property to a foreign grantor of the trust. (SBJPA 1996)	_____	_____	_____
151) Consider treatment of obligations issued or guaranteed by the trust in connection with property transfers made after February 6, 1995, or any grantor or beneficiary of the trust or related party. (TRA 1997 § 1601(i)(2), IRS § 679(a)(3)(c)).	_____	_____	_____
.1) For transfers through August 4, 1997, note 35% excise tax. (SBJPA 1996)	_____	_____	_____
.2) For transfers on or after August 5, 1997, consider gain recognition. (TRA 1997 § 113(b), IRC § 684(a)).	_____	_____	_____

ESTATE AND TRUST INCOME TAX RETURN CHECKLIST

1997 - FORM 1041

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
152) Determine if the trust was a domestic trust that became a foreign trust. Consider gain recognition. (TRA 1997 § 1131(b), IRC § 648(c)).	_____	_____	_____
153) Determine if the foreign trust has a U.S. grantor. Note the reporting requirements of IRC Sec. 6048. (SBJPA 1996)	_____	_____	_____
154) Determine if the foreign trust made distributions, either directly, or indirectly, to a U.S. person. IRC Sec. 6048. (SBJPA 1996)	_____	_____	_____
200) INCOME			
201) Compare sources of dividend and interest income with prior year items.	_____	_____	_____
202) Review 1099s for dividends, interest, and gross proceeds from sales.	_____	_____	_____
203) Review assets to determine if any exist that may produce non-cash income, e.g., OID, market discount, etc.	_____	_____	_____
204) If a 1099-OID is received, compute includible amount.	_____	_____	_____
205) Review dividends in order to segregate taxable, non-taxable and capital gain portions.	_____	_____	_____
206) Inquire if the trust or estate had investment income from foreign sources and if tax was withheld.	_____	_____	_____
207) Determine if state tax refund shown on prior year return was received or credited and included in income.	_____	_____	_____
208) Disclose exempt interest on state and municipal bonds. Determine deductible portion of administrative expense.	_____	_____	_____
209) Consider excluding interest on United States obligations from the state returns.	_____	_____	_____
210) Consider whether municipal bond interest excluded on federal return should be added back on state return.	_____	_____	_____
211) Review reporting of income tax refunds based on the tax benefit rule.	_____	_____	_____
212) Determine if there was interest on tax refunds.	_____	_____	_____
213) Determine that installment sales are reported properly.	_____	_____	_____
.1) Consider related party rules.	_____	_____	_____

ESTATE AND TRUST INCOME TAX RETURN CHECKLIST
1997 - FORM 1041

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.2) Determine that the full amount of depreciation recapture is reported in the year of sale whether or not payment was received in the year.	_____	_____	_____
.3) Review for adequate stated interest on debt instruments received in connection with the sale. Determine whether original issue discount or unstated interest rules require restatement of note interest and principal.	_____	_____	_____
.4) Determine if the taxpayer is a "dealer" with respect to the related property. If so:			
(a) Determine that the installment method is <u>not</u> used to report post-1987 sales of dealer property. (Exceptions - farm property, certain timeshare rights and residential lots if proper election is made.)	_____	_____	_____
(b) Determine that the interest owed as a result of an election (a) above is properly reported.	_____	_____	_____
.5) Consider special rules for installment reporting by certain non-dealers of real (post-1986 sales) or personal property (post-1988 sales) where the sale price exceeds \$150,000. (§ 453A) (Does not apply to certain farm property.)	_____	_____	_____
(a) Compute the interest charge imposed on tax deferred outstanding installment obligations if the face amount of these obligations that arose during, and are still outstanding at the close of the tax year, exceeds five million dollars.	_____	_____	_____
(b) Determine that the proper amount is treated as a collection on any pledged installment obligation.	_____	_____	_____
.6) Consider electing out of installment method.	_____	_____	_____
.7) Determine if an event has occurred requiring accelerated recognition of the remaining unreported gain (e.g., resale rule for related parties, cancellation of the installment obligation, disposition of the installment obligation).	_____	_____	_____
214) If after year of installment sale, determine that the proper income is reported after giving recognition to recapture amount.	_____	_____	_____
215) If property was sold, exchanged, or involuntarily converted during the year, consider the provisions relating to:			

ESTATE AND TRUST INCOME TAX RETURN CHECKLIST
1997 - FORM 1041

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.1) Nonrecognition of gain or loss (Form 8824). Note restrictions on exchanged of US property for foreign property. (TRA 1997)	_____	_____	_____
.2) Recapture of depreciation (including § 291 recapture) and/or tax credits, or reduction of credit carry forwards. Note new § 1245 applications. (TRA 1997)	_____	_____	_____
.3) Like-kind exchanges with related parties. Determine if there has been a disposition within two years of transfer.	_____	_____	_____
.4) Presidentially declared disasters. SBJPA 1996.	_____	_____	_____
.5) Forced sale of livestock on account of weather related conditions.	_____	_____	_____
216) Determine that gains on installment sales made by decedent are properly reported.	_____	_____	_____
217) Consider the effect on basis of nontaxable stock dividends, reinvested dividends and OID.	_____	_____	_____
218) Determine holding period, applicable tax rates, state and AMT tax bases of assets sold. (TRA 1997)	_____	_____	_____
219) Determine if there has been a sale of a mutual fund and that a proper basis computation has been made.	_____	_____	_____
220) Determine limitations if there has been a sale of a mutual fund at a loss within six months of acquisition.	_____	_____	_____
.1) a capital gain dividend was received, or	_____	_____	_____
.2) exempt-interest dividend was received.	_____	_____	_____
221) Review application of the wash sale rules.	_____	_____	_____
222) Review application of straddle rules and available elections under § 1092.	_____	_____	_____
223) Consider limitations of losses for transactions with related parties.	_____	_____	_____
224) Determine that sales of securities settled after year end, with a trade date within current year, are reported this year. Note special rules for short sales in § 1233.	_____	_____	_____
225) Report gains on constructive sales of appreciated financial positions occurring after June 8, 1997. (TRA 1997)	_____	_____	_____

ESTATE AND TRUST INCOME TAX RETURN CHECKLIST**1997 - FORM 1041**

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
226) If there are § 1231 gains, determine the amount subject to ordinary income treatment as a result of five year recapture rule for prior net § 1231 losses.	<hr/>	<hr/>	<hr/>
227) Compare sources of K-1s with prior year. Review current K-1s to determine that all items have been properly reported.	<hr/>	<hr/>	<hr/>
228) Consider limitations of § 465 at risk, § 704(d) and/or § 1366(d) basis rules.	<hr/>	<hr/>	<hr/>
229) If partnership interests are held, determine the following:			
.1) If a decedent was involved, determine if a §754 election was made at partnership level.	<hr/>	<hr/>	<hr/>
.2) If a basis adjustment has occurred, account for differences between "inside" and "outside" basis.	<hr/>	<hr/>	<hr/>
.3) If the final year of a partnership determine that distributions listed on the K-1 were received. Account for any differences and determine proper reporting.	<hr/>	<hr/>	<hr/>
230) If a distribution or technical termination has occurred in a partnership, consider both new allocation of basis rule under § 732(c) (TRA 1997) and making a § 732(d) election. Note exception for post May 9, 1997 technical terminations. (Reg. 1.708-1)	<hr/>	<hr/>	<hr/>
231) Determine if there are any passive activities. (See Passive Activity Checklist). Note that activities must be grouped in accordance with Prop. Reg. § 1.469-4.	<hr/>	<hr/>	<hr/>
.1) If an estate, consider the \$25,000 special allowance exception for rental real estate.	<hr/>	<hr/>	<hr/>
.2) Determine if pass-through entity in which the trust has an interest has separately reported activities.	<hr/>	<hr/>	<hr/>
.3) Prepare Form 8582.	<hr/>	<hr/>	<hr/>
232) If the taxpayer recovered amounts previously deducted, determine if the full benefit was received from prior years' deductions.	<hr/>	<hr/>	<hr/>
233) Determine if the taxpayer has an S corporation or partnership loss carryforward not previously utilized due to insufficient basis and determine if additional basis has been generated in current year to deduct all or a portion of the unused losses.	<hr/>	<hr/>	<hr/>

ESTATE AND TRUST INCOME TAX RETURN CHECKLIST
1997 - FORM 1041

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
234) If decedent involved, determine if taxpayer is a Qualified Subchapter S Trust (QSST).	_____	_____	_____
235) If the taxpayer is a QSST shareholder that made loans to the corporation to utilize losses, determine gain on repayment.	_____	_____	_____
236) If appreciated property is used to fund a pecuniary bequest, determine that gain is recognized and that the new basis is properly reflected.	_____	_____	_____
237) Consider election to recognize gain or loss if property is distributed other than the funding of a pecuniary bequest (§ 643(e)).	_____	_____	_____
238) For leased vehicles and property, obtain the business and personal usages and calculate the appropriate income inclusion amount to be reported by referring to the IRS tables.	_____	_____	_____
239) Inquire if there are worthless securities. Note that substantial worthlessness of short sale property is a gain recognition event.	_____	_____	_____
240) Consider ordinary income treatment for gain on sale of market discount bonds:			
.1) Taxable bonds issued after July 18, 1984, or issued before July 19, 1984 and purchased after April 30, 1993.	_____	_____	_____
.2) Tax exempt bonds purchased after April 30, 1993.	_____	_____	_____
241) Consider the mark to market rules for "dealers in securities." Warning: the definition of "dealers in securities" contained in § 475 is not limited to Wall Street brokerage firms. The expansive definition includes many taxpayers involved in lending transactions and various seller financed activities.	_____	_____	_____
.1) Determine that § 475 assets are adjusted to fair market value at the end of the year.	_____	_____	_____
.2) Determine the § 481 adjustment.	_____	_____	_____
.3) Amortize the § 481 adjustment over 5 years (15 years for certain floor specialists and market makers) beginning with the year of change.	_____	_____	_____
.4) Determine if exempt securities were timely identified in taxpayer books and records.	_____	_____	_____
.5) Consider loss limitations for securities not properly identified.	_____	_____	_____

ESTATE AND TRUST INCOME TAX RETURN CHECKLIST**1997 - FORM 1041**

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
242) Determine if there is income from discharge of indebtedness.	_____	_____	_____
.1) Consider exclusion and elections under § 108. (See also proposed amendment to Reg. § 1.1017-1.)	_____	_____	_____
.2) Consider Form 982.	_____	_____	_____
243) Inquire if the taxpayer engaged in bartering transactions.	_____	_____	_____
244) Consider the proper treatment of qualified/nonqualified plan distributions.	_____	_____	_____
245) Consider the \$5,000 death benefit exclusion for employees who dies before August 21, 1996. (SBJPA 1996)	_____	_____	_____
300) DEDUCTIONS			
301) For all businesses of the taxpayer:			
.1) Review the taxpayer's vacation pay policy to determine if a deduction is allowable on the accrual basis (vested at year end and paid within two and one-half months after year end).	_____	_____	_____
.2) Consider applicability of uniform capitalization rules to resellers with annual gross receipts in excess of \$10 million and all producers of property. (Note final regulations related to general rules (§ 1.263A), producers (§ 1.263A-2) and resellers (§ 1.263A-3)).	_____	_____	_____
(a) Determine that all costs are included.	_____	_____	_____
(b) Consider interest capitalization rules for debt incurred to produce property.	_____	_____	_____
(c) If the beginning inventory is revalued to conform to final regulations:			
(i) Ascertain the amount of adjustment required for the beginning inventory due to the change in method of accounting (§ 481).	_____	_____	_____
(ii) Ascertain § 481 forward spread period (not to exceed four years).	_____	_____	_____
(iii) Determine that Form 3115 is attached to the tax return for the year of change.	_____	_____	_____

ESTATE AND TRUST INCOME TAX RETURN CHECKLIST
1997 - FORM 1041

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
(iv) consider electing "simplified" methods.	_____	_____	_____
(d) For farmers and ranchers consider:			
(i) One-time election out of uniform capitalization rules if election was not required in a prior year.	_____	_____	_____
(ii) The exemption for expenses incurred in the production of animals.	_____	_____	_____
(e) Review the definition of "produce".	_____	_____	_____
.3) Long-Term Contracts			
(a) Determine if the taxpayer is subject to the long-term contract reporting rules requiring that the percentage of completion method, instead of the completed contract method, be used to determine taxable income. Note exceptions for certain qualifying construction contracts and most contracts for the manufacture of property.	_____	_____	_____
(b) In determining whether contracts of the taxpayer are subject to the percentage of completion method of reporting, consider:			
(i) Related party rules.	_____	_____	_____
(ii) Contract aggregation rules.	_____	_____	_____
(c) Determine that the percentage of completion is calculated based on costs incurred, not work performed.	_____	_____	_____
(d) Determine that all required costs have been allocated to the contracts. Note the expanded requirement to capitalize costs similar to the uniform capitalization rules.	_____	_____	_____
(e) Consider electing the simplified method of allocating costs, whereby fewer costs are taken into account, to determine the degree of contract completion.	_____	_____	_____
(f) Consider electing the modified percentage of completion method, whereby the recognition of income and accounting for costs is deferred until the first tax year in which at least 10% of the estimated total contract costs have been incurred as of the end of that year. Note that this election is not available if the simplified method above has been elected.	_____	_____	_____

ESTATE AND TRUST INCOME TAX RETURN CHECKLIST

1997 - FORM 1041

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
(g) Upon completion of a contract, determine that the "look-back rule" has been applied to compare actual contract price and costs to previously used estimates and pay/claim interest on the related changes in prior years taxes on Form 8697. Note that certain small contracts are not subject to the "look-back rule." See TRA 1997 for changes in interest calculations and election to not apply look-back method.	<hr/>	<hr/>	<hr/>
302) Complete Schedule C or F (Form 1040) for schedule of cost of operations and verify that beginning and ending inventory agree with books.	<hr/>	<hr/>	<hr/>
303) Inquire whether the trust or estate can substantiate by adequate records, as required under § 274(d), expenses claimed for entertainment, entertainment facilities, gifts and travel. Limit meals and entertainment to allowable percentage. (Consider exceptions.) Consider optional per diem method.	<hr/>	<hr/>	<hr/>
304) Determine the deductibility of club dues.	<hr/>	<hr/>	<hr/>
305) Inquire if trade association dues include nondeductible lobbying expenses.	<hr/>	<hr/>	<hr/>
306) Determine that certain lobbying expenses are not deducted. Note exceptions.	<hr/>	<hr/>	<hr/>
307) Prepare a schedule of other deductions. Determine which expenses are not subject to the 2% rule. Determine the deductible portion of administrative expenses based on the ratio of taxable to entire income (a simultaneous equation).	<hr/>	<hr/>	<hr/>
308) Determine if the trust or estate is entitled to an estate tax deduction for income in respect of a decedent and allocate between the beneficiaries and estate or trust (§ 691(c)).	<hr/>	<hr/>	<hr/>
309) Allocation of interest expense:			
.1) Determine that the proper allocations have been made by type (investment, passive, tax exempt, etc.).	<hr/>	<hr/>	<hr/>
.2) For interest on debts allocated to more than one expenditure, determine that the proper ordering of loan repayments has been considered.	<hr/>	<hr/>	<hr/>

ESTATE AND TRUST INCOME TAX RETURN CHECKLIST

1997 - FORM 1041

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.3) Determine that the interest has been properly reallocated to the expenditure when either:			
(a) The subject of the first expenditure has been disposed of and the proceeds are used for another expenditure; or	_____	_____	_____
(b) The character of the expenditure has changed.	_____	_____	_____
310) Investment interest:			
.1) Limit the trust or estate's deduction for investment interest to net investment income.	_____	_____	_____
.2) In computing net investment income, deduct investment expenses after the application of the 2% AGI floor.	_____	_____	_____
.3) Consider the election to treat net long term capital gains as investment income subject to ordinary income tax rates. (See RRA '93.)	_____	_____	_____
311) Determine that personal interest was not deducted.	_____	_____	_____
312) Determine if interest deduction limitations apply to interest incurred to purchase or carry market discount bonds or short-term debt obligations.	_____	_____	_____
313) Other interest considerations:			
.1) Treat amortizable bond premium (for bonds acquired after 1987) as an offset to interest income.	_____	_____	_____
.2) Consider the capitalization of interest rules when the taxpayer is constructing or producing certain real or tangible personal property.	_____	_____	_____
.3) Eliminate interest expense on debts with respect to life insurance policies (purchased after June 20, 1986) on current or former beneficial owners and key employees to the extent that the total of such loans exceeds \$50,000. Note phase-in rules under 1996 HIPAA and additional limitations for new or materially changed contracts issued after June 8, 1997. (TRA 1997)	_____	_____	_____
.4) Consider election to amortize bond premium on taxable bonds.	_____	_____	_____
.5) Determine if interest was paid pursuant to § 6166. Consider filing a Supplemental Form 706.	_____	_____	_____

ESTATE AND TRUST INCOME TAX RETURN CHECKLIST
1997 - FORM 1041

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.6) Determine if interest was paid on a residence which is occupied by a beneficiary.	_____	_____	_____
314) Consider disallowance of double deductions, i.e., administrative expenses and losses during administration, claimed on Form 706. Attach election if claimed on Form 1041.	_____	_____	_____
315) Determine that deductions for taxes, interest, business expenses and other items accrued at the date of death are claimed on both Forms 706 and 1041.	_____	_____	_____
316) Determine that indirect expenses are allocated between taxable and tax exempt income.	_____	_____	_____
317) Consider distribution deduction election if there are qualifying 65-day distributions from the trust.	_____	_____	_____
318) Determine amount of the distribution deduction.	_____	_____	_____
319) Determine that loans, made after Sept. 19, 1995, by a foreign trust to a U.S. grantor or a U.S. beneficiary (or to a U.S. person related to the grantor or beneficiary), unless with arms-length terms, are treated as distributions. (SBJPA 1996.)	_____	_____	_____
320) Compute distributable net income (DNI):			
.1) Determine that direct and indirect expenses have been properly allocated to the various classes of income (including tax exempt and passive activities).	_____	_____	_____
.2) Ascertain if capital gains are required to be allocated to DNI.	_____	_____	_____
321) Determine if charitable contributions are accounted for in accordance with trust instrument.	_____	_____	_____
.1) Inquire if all contributions are to qualified charitable organizations.	_____	_____	_____
.2) Ascertain that charitable contributions have been properly allocated to tax exempt income.	_____	_____	_____
.3) Complete Forms 1041-A and 5227.	_____	_____	_____
.4) Determine that charitable contributions are made from gross income or accumulated gross income (not from corpus).	_____	_____	_____

ESTATE AND TRUST INCOME TAX RETURN CHECKLIST

1997 - FORM 1041

<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
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.5) Inquire if adequate contemporaneous documentation was obtained for contributions of \$250 or more.

_____	_____	_____
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322) Inquire whether the trust or estate has bad debts.

_____	_____	_____
-------	-------	-------

323) Review partially worthless debts for write-off under Temp. Reg. § 1.166-3T.

_____	_____	_____
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324) Consider limitations on deducting expenses related to federally tax exempt income. Note that these expenses may be deductible at the state level if related income is taxable for state purposes.

_____	_____	_____
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325) If this is first year that the taxpayer has incurred real property taxes, determine if a § 461(c) election to accrue ratably is more beneficial than adopting the recurring item exception (Rev. Proc. 92-28).

_____	_____	_____
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326) Consider option to deduct current year qualifying disaster losses on preceding year tax return by filing an amended return.

_____	_____	_____
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400) DEPRECIATION

401) Determine whether the trustee is required to maintain a reserve for depreciation.

_____	_____	_____
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402) For assets placed in service during the current year:

1) Determine that no § 179 election to expense certain depreciable assets has been made since this election is not allowed to estates and trusts.

_____	_____	_____
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.2) Consider § 179A election to expense qualifying clean-fuel vehicles and related refueling property placed in service after June 30, 1993.

_____	_____	_____
-------	-------	-------

.3) Determine the depreciable basis of each asset.

_____	_____	_____
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.4) Determine the property class, recovery period and depreciation method for each asset. Note new limitations on property qualifying for income forecast method and designated lives of rent to own properties. (TRA 1997)

_____	_____	_____
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.5) Determine the applicable convention (half-year, mid-quarter or mid-month).

_____	_____	_____
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.6) Determine that the cost of leasehold improvements is being recovered over the applicable recovery period, regardless of the lease period.

_____	_____	_____
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ESTATE AND TRUST INCOME TAX RETURN CHECKLIST
1997 - FORM 1041

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.7) Consider 36-month depreciation rules for software.	_____	_____	_____
.8) Consider reduced depreciable lives for real estate improvements and special use structure.	_____	_____	_____
.9) Consider electing the Alternative Depreciation System (straight line over an ADS recovery period) for qualifying General Depreciation System property.	_____	_____	_____
.10) For farming, determine that MACRS is applied using 150% DB. Note ADS required if elected out of § 263A.	_____	_____	_____
.11) If property is leased to a tax exempt entity, consider the possible need to use the ADS.	_____	_____	_____
.12) Consider depreciation limitations for IDB financed property, and certified historic structures for which a tax credit was taken.	_____	_____	_____
.13) If a short year, determine that Rev. Proc. 89-15 is followed.	_____	_____	_____
.14) If there has been a purchase price adjustment, see Prop. Reg. § 1.168-2 (d)(3).	_____	_____	_____
.15) Determine if interest is payable under look-back method where income forecast method is used (SBJPA 1996). Note interest calculation change. (TRA 1997)	_____	_____	_____
.16) Consider accelerated depreciation for qualifying property located on Indian reservations. (TRA 1997)	_____	_____	_____
403) Determine that amortizable items, including goodwill, are written off over the correct periods.	_____	_____	_____
404) Consider the provisions of Rev. Proc. 96-31 to rectify prior year claims of less than allowable depreciation or amortization.	_____	_____	_____
405) Determine if leased property/equipment should be capitalized.	_____	_____	_____
406) Consider anti-churning rules.	_____	_____	_____
407) For listed property (e.g., cellular phones, autos, computers, airplanes, boats):			
.1) For autos, consider the maximum allowable under the luxury auto rules. Note TRA 1997 exceptions for clean burning vehicles and electric vehicles.	_____	_____	_____

ESTATE AND TRUST INCOME TAX RETURN CHECKLIST
1997 - FORM 1041

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.2) For autos, determine limitation if the business usage is 50% or less.	_____	_____	_____
.3) Determine limitations for all other mixed-use property, if the business usage is 50% or less.	_____	_____	_____
.4) Inquire if the taxpayer has kept the required records indicating the business and personal use of property.	_____	_____	_____
5) Determine recapture if the business usage is 50% or less.	_____	_____	_____
408) Form 4562 (if required):			
.1) Reconcile depreciation expense to supporting schedules.	_____	_____	_____
.2) Complete questions regarding personal use of listed property.	_____	_____	_____
.3) If the costs were incurred during the current year, determine that amor-tizable items are separately stated and the proper Code section cited.	_____	_____	_____
409) Consider state depreciation, if different.	_____	_____	_____
410) Consider federal and state AMT depreciation and state (if different) depreciation.	_____	_____	_____
411) Make adjustments for depreciable assets which are demolished, obsolete, abandoned and/or out of service. Consider credit recapture.	_____	_____	_____
500) TAX COMPUTATION AND CREDITS			
501) Consider capital gains tax computations noting various rates depending on type of asset and holding period. (TRA 1997)	_____	_____	_____
502) Consider alternative tax rate attributable to S corporation items. (SBJPA 1996.)	_____	_____	_____
503) Complete Schedule H (AMT).	_____	_____	_____
504) Alternative minimum tax must be computed by making adjustments such as:			
.1) Depreciation on property placed in service after 1986 (or July 31, 1986 if election was made) must be computed using the alternative system (Rev. Proc. 87-57).	_____	_____	_____

ESTATE AND TRUST INCOME TAX RETURN CHECKLIST
1997 - FORM 1041

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.2) Mining, exploration research & experimental costs must be capitalized and amortized over a 10-year period.	_____	_____	_____
.3) Income from long-term contracts entered into after February 28, 1986 must be computed using the percentage of completion method of accounting. Note exception for "home construction contracts."	_____	_____	_____
.4) Income from post-February 28, 1986 dispositions of real or personal property held for sale in the ordinary course of business shall be determined without regard to the installment method, except in cases where an election is made to pay interest on the tax deferred by the qualified installment sale. Note exception for cash basis farmers. (TRA 1997)	_____	_____	_____
.5) Use AMT net operating loss (NOL) deduction in place of the regular NOL deduction. Post-1986 AMT NOL is available only to the extent of 90% of pre-NOL AMTI.	_____	_____	_____
.6) Compute gains/losses on sales and exchanges using the AMT adjusted basis.	_____	_____	_____
.7) Adjust itemized deductions for the following AMT rules:			
(a) No deduction is allowed for miscellaneous itemized deductions subject to 2% limit or most taxes.	_____	_____	_____
(b) State tax refunds are excluded from AMTI.	_____	_____	_____
(c) Qualified housing interest is restricted.	_____	_____	_____
.8) The following preference items must be added:			
(a) Excess intangible drilling costs.	_____	_____	_____
(b) Tax-exempt interest on private activity bonds issued after August 7, 1986.	_____	_____	_____
(c) Accelerated depreciation on real and leased personal property placed in service before 1987.	_____	_____	_____
.9) Consider special rules denying certain losses for AMT purposes:			
(a) Net passive activity losses as adjusted for tax preferences. (Form 8582).	_____	_____	_____

ESTATE AND TRUST INCOME TAX RETURN CHECKLIST
1997 - FORM 1041

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
(b) Certain farm losses.	_____	_____	_____
(c) Insolvent trusts.	_____	_____	_____
.10) Consider foreign tax credits.	_____	_____	_____
.11) Compute Distributable Net Alternative Minimum Taxable Income.	_____	_____	_____
505) Consider tax credits such as:			
.1) Enhanced oil recovery credit (Form 8830).	_____	_____	_____
.2) Credit for producing fuels from nonconventional source.	_____	_____	_____
.3) Foreign tax credit.	_____	_____	_____
.4) Investment tax credit (rehabilitation, transition and carryovers). (Form 3468)	_____	_____	_____
.5) Credit for federal tax on gasoline, special fuels and lubricating oil.	_____	_____	_____
.6) Low income housing credit. (Form 8586)	_____	_____	_____
.7) The Work Opportunity Credit for eligible employees who begin work after September 30, 1996 and before July 1, 1998. (SBJPA 1996 and TRA 1997). (Form 5884)	_____	_____	_____
.8) The credit for qualified clinical testing expenses (Orphan Drug Credit), and associated carrybacks and carryovers. (SBJPA 1996) Note permanently extended under TRA 1997. (Form 8820)	_____	_____	_____
.9) Credit for employer social security taxes paid on certain employee cash tips. (See SBJPA 1996 for changes.) (Form 8846).	_____	_____	_____
506) If filing multistate returns, determine if a credit may be claimed on resident state tax return for taxes paid to other states.			
507) Determine if the trust or estate is subject to:			
.1) Investment credit recapture.	_____	_____	_____
.2) § 644 tax upon sale of appreciated property before August 6, 1997 and within two years after transfer to trust. (TRA 1997)	_____	_____	_____

ESTATE AND TRUST INCOME TAX RETURN CHECKLIST
1997 - FORM 1041

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.3) The GST as the result of the death of a beneficiary.	_____	_____	_____
.4) Foreign estate or trust treatment as a non-resident alien individual not present in the United States for computation of tax. (TRA 1997 § 1601(i)(3)(B), IRS § 641(b)).	_____	_____	_____
508) Allocate each item to the beneficiaries' K-1s in accordance with provisions of the trust agreement or will.	_____	_____	_____
509) Determine if separate share rule applies to trust (§ 663(c)).	_____	_____	_____
510) Reconcile accounting income per books with distributable net income.	_____	_____	_____
511) Confirm the amounts and dates of any federal, state and local estimated tax deposits/payments (including withholding) for the year, prior year over-payments applied, and extension payments.	_____	_____	_____
512) If withholding and estimated tax payments are less than 90% of the tax liability, consider filing Form 2210. Note exception under TRA 1997.	_____	_____	_____
513) Consider estimated tax for the forthcoming year and set up estimated tax payments. Determine if prior year 100% or 110% rule applies. (Estates are exempt from estimated payment requirement for first two years.) (EFTPS)	_____	_____	_____
600) OTHER REQUIREMENTS			
601) If the trust or estate sold partnership interests during the year, determine that the appropriate information was given to the partnership to enable it to prepare Form 8308.	_____	_____	_____
602) Determine if Form 8271 is required for tax shelters. Attach to Schedule K-1.	_____	_____	_____
603) Consider capitalizing carrying charges (interest, taxes, etc.) on non-productive property.	_____	_____	_____
604) Consider the election to forego a net operating loss carryback:			
.1) If electing to forego - attach required statement.	_____	_____	_____
.2) If carrying back -			
a) prepare 1045 or amended 1041.	_____	_____	_____
b) prepare amended Schedule K-1.	_____	_____	_____

ESTATE AND TRUST INCOME TAX RETURN CHECKLIST
1997 - FORM 1041

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
605) If an NOL deduction is claimed, prepare supporting schedules for regular and AMT carryovers to be attached to the return.	_____	_____	_____
606) Determine that proper classification has been provided for all items on Schedule K-1.	_____	_____	_____
607) If this is a final return for the trust or estate, ascertain the deductions to be carried to the returns of the beneficiaries and prepare a schedule of assets, including adjusted basis, distributed to each beneficiary.	_____	_____	_____
608) Consider unused losses and deductions to be transferred to beneficiaries in final year.	_____	_____	_____
609) Determine that unused passive activity losses pertaining to an interest in an activity being distributed to a beneficiary are either added to the basis of the property distributed, or treated as a sale with deduction of carryovers.	_____	_____	_____
610) Determine if trust payments of estimated tax should be allocated to beneficiaries and file return in appropriate time period; Form 1041-T must be filed within 65 days of the taxable year end.	_____	_____	_____
611) Prepare Schedule J if trust made an accumulation distribution. Determine if exceptions to the throwback rule exist. (TRA 1997 repealed throwbacks for years beginning after August 5, 1997).	_____	_____	_____
612) Consider § 6662 accuracy-related penalty. If this penalty could result from any income, deduction, loss or credit item which causes a substantial change in the beneficiary's return and causes the preparer to rise to the level of preparer of the beneficiary's return:			
.1) Consider if substantial authority exists for the item in question. If not, consider disclosure (Form 8275 or 8275R).	_____	_____	_____
.2) Consider advising the taxpayer, in writing, of the penalty.	_____	_____	_____
613) Prepare state and local tax returns.	_____	_____	_____
614) Attach extension requests.	_____	_____	_____
615) Prepare filing instructions and transmittal letter to the trustee or executor.	_____	_____	_____
616) If the taxpayer has made an "applicable asset acquisition" (transfer of assets that constitute a trade or business), determine that reporting requirements regarding allocation of purchase price have been met (Form 8594).	_____	_____	_____

ESTATE AND TRUST INCOME TAX RETURN CHECKLIST**1997 - FORM 1041**

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
617) Compare taxable income to projections for reasonableness.	_____	_____	_____
618) If there is more than one trustee or executor, attach statement required pursuant to § 6012(b)(5). ("Sufficient knowledge")	_____	_____	_____
619) Determine whether related party transactions are properly reported on all available returns.	_____	_____	_____
620) Determine if Form TD F 90-22.1 is needed to report foreign financial accounts.	_____	_____	_____
621) Information returns:			
.1) Inquire if taxpayer has complied with magnetic media filing requirements for 1099s and W-2s.	_____	_____	_____
.2) Inquire whether the trust has filed all required information returns (1098 and 1099 series) and whether the value of personal use portion of employer property expense reimbursements under "unaccountable plans" and § 401(k) deferred compensation information has been included in employees' W-2s.	_____	_____	_____
.3) Inquire if additional items subject to employer FICA, such as 401(k) deferrals, employer-provided excess group-term insurance, all cash tips, etc., have been properly reported.	_____	_____	_____
622) Inquire if employment taxes were timely deposited. (EFTPS)	_____	_____	_____
623) Determine if there has been a taxable distribution for generation skipping tax purposes. Consider preparation of Forms 706GS(D-1), 706GS(T) and 706GS(D).	_____	_____	_____
624) Determine if expenditures were incurred that are eligible for the disabled access credit (see Form 8826). If the taxpayer does not qualify for the credit or has expenditures in excess of the credit limit, consider making § 190 election to expense the cost.	_____	_____	_____
625) Consider filing Form 3520 if the trust received gifts valued more than \$100,000 during the tax year. (SBJPA § 1905(a), IRC § 6039F.)	_____	_____	_____
626) Consider informing taxpayer of requirement to file Form 8300 for certain payments received exceeding \$10,000.	_____	_____	_____
627) Consider distributing to the beneficiary a reconciliation, if applicable, of the difference between taxable income reported to the beneficiary and the income actually distributed.	_____	_____	_____

ESTATE AND TRUST INCOME TAX RETURN CHECKLIST

1997 - FORM 1041

<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
-------------	------------	------------------------------------

628) Note tax planning/additional service suggestions.

_____	_____	_____
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COMMENTS OR EXPLANATIONS

MINI-CHECKLIST
PARTNERSHIP RETURN OF INCOME
1997 - FORM 1065

Client Name and Number: _____

Prepared by: _____ Date: _____ Reviewed by: _____ Date: _____

	<u>Done</u>	<u>N/A</u>		<u>Done</u>	<u>N/A</u>
GENERAL INFORMATION			INCOME		
1. Review for changes in the partnership's and partners' names and addresses, FYE, business code.	<input type="checkbox"/>	<input type="checkbox"/>	1. Compare sources of portfolio income with prior year.	<input type="checkbox"/>	<input type="checkbox"/>
2. Review prior year returns, workpapers, correspondence, audit results and amendments to the partnership agreement.	<input type="checkbox"/>	<input type="checkbox"/>	2. Include only trade or business income on page 1, Form 1065.	<input type="checkbox"/>	<input type="checkbox"/>
3. Consider signed engagement letter.	<input type="checkbox"/>	<input type="checkbox"/>	3. Calculate gains, losses and recaptures on dispositions of property.	<input type="checkbox"/>	<input type="checkbox"/>
4. Determine if the partnership is a limited partnership.	<input type="checkbox"/>	<input type="checkbox"/>	4. Consider the following:		
5. Review pro forma/organizer for accuracy.	<input type="checkbox"/>	<input type="checkbox"/>	Installment sales and related interest charge on deferred tax	<input type="checkbox"/>	<input type="checkbox"/>
6. Determine if the partnership agreement complies with the 704(b) regulations. (See § 704(b) tax practice guide).	<input type="checkbox"/>	<input type="checkbox"/>	Timing differences	<input type="checkbox"/>	<input type="checkbox"/>
7. Consider below-market-rate loan rules.	<input type="checkbox"/>	<input type="checkbox"/>	Wash sales	<input type="checkbox"/>	<input type="checkbox"/>
8. Determine if there has been a technical termination of the partnership.	<input type="checkbox"/>	<input type="checkbox"/>	Ordinary income on market discount bonds and deferral of related interest expense	<input type="checkbox"/>	<input type="checkbox"/>
9. Determine if the partnership is on the "required" year end.	<input type="checkbox"/>	<input type="checkbox"/>	Sales or exchanges with a partner	<input type="checkbox"/>	<input type="checkbox"/>
10. Determine if the partnership is an "electing large partnership".	<input type="checkbox"/>	<input type="checkbox"/>	Worthless securities	<input type="checkbox"/>	<input type="checkbox"/>
11. Determine if the partnership is required to file by magnetic media.	<input type="checkbox"/>	<input type="checkbox"/>	Like-kind exchanges	<input type="checkbox"/>	<input type="checkbox"/>
12. Determine if there were partnership ownership changes.	<input type="checkbox"/>	<input type="checkbox"/>	DEDUCTIONS		
Consider § 754 election.	<input type="checkbox"/>	<input type="checkbox"/>	1. Consider the uniform capitalization rules.	<input type="checkbox"/>	<input type="checkbox"/>
Consider Form 8308.	<input type="checkbox"/>	<input type="checkbox"/>	2. Determine if Form 8283 is required for non-cash charitable contributions.	<input type="checkbox"/>	<input type="checkbox"/>
13. Determine if § 704(c) regulations have been applied to contributions of property by a partner.	<input type="checkbox"/>	<input type="checkbox"/>	3. Determine if there were guaranteed payments to partners.	<input type="checkbox"/>	<input type="checkbox"/>
14. Provide UBTI data to tax exempt partners.	<input type="checkbox"/>	<input type="checkbox"/>	4. Inquire if travel and entertainment expenses are substantiated by adequate records.	<input type="checkbox"/>	<input type="checkbox"/>
15. Review financial statements and footnotes for relevant information.	<input type="checkbox"/>	<input type="checkbox"/>	5. Consider limitations on deductibility of:		
16. Consider tax credits. (SBJPA 1996 and TRA 1997)	<input type="checkbox"/>	<input type="checkbox"/>	Club dues	<input type="checkbox"/>	<input type="checkbox"/>
17. Consider debt discharge and the exceptions to recognition.	<input type="checkbox"/>	<input type="checkbox"/>	Lobbying expenses/association dues	<input type="checkbox"/>	<input type="checkbox"/>
18. Consider filing power of attorney.	<input type="checkbox"/>	<input type="checkbox"/>	6. Limit meals and entertainment to allowable percentage.	<input type="checkbox"/>	<input type="checkbox"/>
			7. Allocate interest expense among expenditures and/or distributions.	<input type="checkbox"/>	<input type="checkbox"/>
			8. Review amount and timeliness of retirement plan contributions.	<input type="checkbox"/>	<input type="checkbox"/>
			9. Determine if specific chargeoff method is used for bad debts.	<input type="checkbox"/>	<input type="checkbox"/>
			10. Determine applicability of 2½ month deferred comp rule for nonpartner employees and independent contractors.	<input type="checkbox"/>	<input type="checkbox"/>

MINI-CHECKLIST

PARTNERSHIP RETURN OF INCOME

1997 - FORM 1065

Done N/A

Done N/A

DEPRECIATION/AMORTIZATION

1. Consider the following:

- | | | |
|--|--------------------------|--------------------------|
| § 179 election | <input type="checkbox"/> | <input type="checkbox"/> |
| Methods and lives | <input type="checkbox"/> | <input type="checkbox"/> |
| Listed property | <input type="checkbox"/> | <input type="checkbox"/> |
| Amortization of goodwill and other intangibles | <input type="checkbox"/> | <input type="checkbox"/> |
| Capitalization of leased property | <input type="checkbox"/> | <input type="checkbox"/> |

2. Compute AMT and ACE depreciation. ☐ ☐

PARTNER DATA - SCHEDULE K-1

1. Complete the analysis of distributive items at the bottom of Schedule K. ☐ ☐

2. Consider the at risk rules. ☐ ☐

3. Report pre-1987 installment sale as passive. (See Passive Activity Checklist). ☐ ☐

4. Reconcile partners capital per Schedule L to Schedule M-2. ☐ ☐

5. Complete each partner's reconciliation of capital. ☐ ☐

6. Allocate partner debt pursuant to § 752. ☐ ☐

7. Ensure the partnership and K-1s report results on an activity by activity basis. ☐ ☐

8. Allocate each item on Schedule K to the partners per the partnership agreement and § 704(b). (See § 704(b) tax practice guide). ☐ ☐

9. Provide information for all items that affect partner's tax liability. ☐ ☐

10. Include tax shelter registration number. ☐ ☐

OTHER REQUIREMENTS

1. Compute net earnings from self-employment. ☐ ☐

2. Consider the following elections and statements such as:

- | | | |
|---|--------------------------|--------------------------|
| Amortize organization expense | <input type="checkbox"/> | <input type="checkbox"/> |
| Cash vs. accrual | <input type="checkbox"/> | <input type="checkbox"/> |
| Expense intangible drilling costs | <input type="checkbox"/> | <input type="checkbox"/> |
| Amortize business startup costs | <input type="checkbox"/> | <input type="checkbox"/> |
| Method for valuation of inventory | <input type="checkbox"/> | <input type="checkbox"/> |
| Change in accounting method application/approval | <input type="checkbox"/> | <input type="checkbox"/> |
| Research and experimental costs | <input type="checkbox"/> | <input type="checkbox"/> |
| Exception from economic performance for recurring items (first year only) | <input type="checkbox"/> | <input type="checkbox"/> |
| Ratable accrual of real property taxes (first year only) | <input type="checkbox"/> | <input type="checkbox"/> |

3. Determine if the partnership was a party to "applicable asset acquisition" (Form 8594). ☐ ☐

4. Inquire if all information returns filed. ☐ ☐

5. Consider § 6662 accuracy-related penalty. ☐ ☐

6. Determine if there was any § 751 gain (unrealized receivables) to existing partners due to admission of new partners. ☐ ☐

7. Compare net income or loss to projections. ☐ ☐

8. Prepare state and local tax returns and report necessary partner information. ☐ ☐

9. Attach extension requests. ☐ ☐

10. Note tax planning/additional service suggestions. ☐ ☐

SHORT VERSION
PARTNERSHIP RETURN OF INCOME CHECKLIST
1997 - FORM 1065

Client Name and Number: _____

Prepared by: _____ Date: _____ Reviewed by: _____ Date: _____

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
100) GENERAL INFORMATION			
101) Review and update the partnership's and partners' names, addresses, fiscal year, business code, identification number, date business started, and IRS and other tax processing centers.	_____	_____	_____
102) Review permanent file, prior year returns, work papers and correspondence files.	_____	_____	_____
103) Consider signed engagement letter.	_____	_____	_____
104) Identify the name, address and identifying number of the "Tax Matters" partner.	_____	_____	_____
105) Obtain information concerning IRS, state tax audits and/or correspondence.	_____	_____	_____
106) Verify that a copy of the partnership agreement and all amendments are in the permanent file.	_____	_____	_____
107) If the taxpayer is an LLC, document the status as a partnership.	_____	_____	_____
108) Determine if the partnership is a limited partnership.	_____	_____	_____
109) Review computer-generated pro forma/organizer for accuracy.	_____	_____	_____
110) If the partnership has a passive activity, note that the activity definitions in the regulations apply to partnerships (see Passive Activity Checklist).	_____	_____	_____
111) Determine that the partnership agreement complies with the § 704 regulations. (See § 704(b) Tax Practice Guide.)	_____	_____	_____
112) Determine that accounting methods used are comparable to the preceding year unless changes are approved or required.	_____	_____	_____
113) If the partnership is using an improper accounting method, consider filing an application for a change in accounting method.	_____	_____	_____
114) Consider economic performance requirements and recurring item exceptions.	_____	_____	_____

SHORT VERSION
PARTNERSHIP RETURN OF INCOME CHECKLIST
1997 - FORM 1065

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
115) Inquire whether the partnership has made or received any below-market-rate term or demand loans. If so, determine imputed interest consequences.	<hr/>	<hr/>	<hr/>
116) Review for adequate stated interest on all new or modified debt instruments.	<hr/>	<hr/>	<hr/>
117) Determine if there has been any change in the partnership's ownership and/or a technical termination during the year. If there was a technical termination, consider the need for a short period return.	<hr/>	<hr/>	<hr/>
118) If there were any sales or exchanges of partnership interests, or partner deaths during the current year, consider whether a § 754 election has been, or should be made.	<hr/>	<hr/>	<hr/>
119) Determine if § 704(c) regulations have been applied to contributions of property by partners.	<hr/>	<hr/>	<hr/>
120) Consider the consequences if the partnership has a year other than that which is "required."	<hr/>	<hr/>	<hr/>
121) Determine if the partnership is an "electing large partnership". If so, K-1's must be furnished to all partners by March 15 (TRA 1997).	<hr/>	<hr/>	<hr/>
122) Determine if the partnership has more than 100 partners. If so, the partnership return, including K-1's, must be filed with the IRS by magnetic media (TRA 1997).	<hr/>	<hr/>	<hr/>
123) Determine if the partnership had any discharge of indebtedness income. If so, consider the exceptions to recognition.	<hr/>	<hr/>	<hr/>
124) Provide UBTI information to tax-exempt partners.	<hr/>	<hr/>	<hr/>
125) Review financial statements and footnotes for relevant information.	<hr/>	<hr/>	<hr/>
126) Consider availability of tax credits. (SBJPA 1996 and TRA 1997)	<hr/>	<hr/>	<hr/>
127) Consider filing power of attorney.	<hr/>	<hr/>	<hr/>
200) INCOME			
201) Compare sources and amounts of portfolio income with prior year.	<hr/>	<hr/>	<hr/>

SHORT VERSION
PARTNERSHIP RETURN OF INCOME CHECKLIST
1997 - FORM 1065

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
202) Determine that only trade or business (e.g., not portfolio or rental) income is reported on Page 1 of Form 1065.	_____	_____	_____
203) Review dispositions of property for holding period and federal, state, AMT and ACE tax bases, non-recognition and recaptures. (TRA 1997)	_____	_____	_____
204) Consider the following:			
.1) Installment sales and related interest charge on deferred tax.	_____	_____	_____
.2) Timing differences.	_____	_____	_____
.3) Wash sales.	_____	_____	_____
.4) Sales or exchanges between the partnership and a partner, or a related party.	_____	_____	_____
.5) Income inclusion for leased property.	_____	_____	_____
.6) Worthless securities.	_____	_____	_____
.7) Like-kind exchanges.	_____	_____	_____
.8) New rules for involuntary conversions of post-1994 Presidentially- declared disasters (SBJPA 1996).	_____	_____	_____
.9) Gains on constructive sales of appreciated financial positions. (TRA 1997)	_____	_____	_____
205) Consider mark to market rules for "dealers in securities" (§ 475).	_____	_____	_____
206) Consider ordinary income on market discount bonds and deferral of related interest expense.	_____	_____	_____
300) DEDUCTIONS			
301) Consider the uniform capitalization rules.	_____	_____	_____
302) Inquire if adequate contemporaneous documentation was obtained for charitable contributions of \$250 or more.	_____	_____	_____
303) If noncash charitable contributions exceed \$500, attach Form 8283.	_____	_____	_____

SHORT VERSION
PARTNERSHIP RETURN OF INCOME CHECKLIST
1997 - FORM 1065

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
304) Determine that all guaranteed payments have been deducted in computing ordinary income, or have been capitalized as required.	_____	_____	_____
305) Inquire whether the partnership can substantiate by adequate records, as required under IRC § 274, expenses claimed for entertainment, entertainment facilities, gifts, travel, conventions.	_____	_____	_____
306) Consider limitations on deductibility of:			
.1) Club dues	_____	_____	_____
.2) Lobbying expenses/association dues.	_____	_____	_____
307) Limit meals and entertainment to allowable percentage. Consider exceptions.	_____	_____	_____
308) Verify that the proper allocations have been made dividing interest expense among expenditures and/or distributions.	_____	_____	_____
309) Determine if interest deduction limitations apply to interest incurred to purchase or carry market discount bonds or short-term debt obligations.	_____	_____	_____
310) Determine that retirement plan contributions are made timely and within allowable limits.	_____	_____	_____
311) Determine that the partnership has not deducted interest or expenses accrued to a partner or a related party unless it is includible in the income of the partner or related party (§ 267).	_____	_____	_____
312) Determine that expenses (including interest) allocable to portfolio income have not been deducted on Page 1, Form 1065.	_____	_____	_____
313) Determine that the specific write-off method is used for bad debts.	_____	_____	_____
314) Determine applicability of 2½ month deferred compensation rule for nonshareholder employees and independent contractors.	_____	_____	_____
400) DEPRECIATION/AMORTIZATION			
401) Consider all depreciation requirements and options including:			
.1) § 179 election. (Note new allowable amounts (SBJPA 1996)).	_____	_____	_____

SHORT VERSION
PARTNERSHIP RETURN OF INCOME CHECKLIST
1997 - FORM 1065

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.2) Consider 36-month depreciation rules for software.	_____	_____	_____
.3) Methods and lives.	_____	_____	_____
.4) Determine if leased property should be capitalized.	_____	_____	_____
.5) Requirements relating to listed property.	_____	_____	_____
402) Determine that amortizable items, including goodwill, are written off over the correct periods.	_____	_____	_____
403) Consider AMT and ACE depreciation.	_____	_____	_____
500) PARTNER DATA - SCHEDULE K-1			
501) Complete the analysis of distributive items at the bottom of Schedule K.	_____	_____	_____
502) Consider the at risk rules.	_____	_____	_____
503) Consider whether income from a pre-1987 installment sale should be considered passive income.	_____	_____	_____
504) Verify that the beginning and ending total partners' capital figures on Schedule L agree with the reconciliation of partners' capital accounts—Schedule M-2.	_____	_____	_____
505) Complete each partner's reconciliation of capital. Make sure each column total agrees to the corresponding line on Schedule M-2.	_____	_____	_____
506) Determine the allocation of the partnership's recourse, nonrecourse and qualified nonrecourse liabilities pursuant to § 752 and enter separately on each partner's Schedule K-1.	_____	_____	_____
507) Ensure that the partnership and K-1s report results on an activity by activity basis.	_____	_____	_____
508) Distribute each item on Schedule K among the K-1s in accordance with provisions of the partnership agreement, or in accordance with § 704(b) if the partnership agreement is silent on § 704(b). (See § 704(b) Tax Practice Guide).	_____	_____	_____

SHORT VERSION
PARTNERSHIP RETURN OF INCOME CHECKLIST
1997 - FORM 1065

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
509) Determine whether the partnership was required to register as a tax shelter. Place the registration number on each K-1.	_____	_____	_____
510) Determine that proper reporting has been provided for all items on Schedule K-1 that affect partners' tax liability.	_____	_____	_____
600) OTHER REQUIREMENTS			
601) Compute net earnings from self-employment.	_____	_____	_____
602) Consider elections and statements such as:			
.1) Amortization of organization expenses.	_____	_____	_____
.2) Cash vs. accrual method.	_____	_____	_____
.3) Election to expense intangible drilling costs.	_____	_____	_____
.4) Amortization of business start-up costs.	_____	_____	_____
.5) Method of valuation of inventory.	_____	_____	_____
.6) Change in accounting method application/approval.	_____	_____	_____
.7) Research and experimental costs.	_____	_____	_____
.8) Exception from economic performance for recurring items (first year only).	_____	_____	_____
.9) Ratable accrual of real property taxes (first year only).	_____	_____	_____
.10) Election to be treated as a partnership.	_____	_____	_____
603) If the partnership is a party to an "applicable asset acquisition," determine that the reporting requirements have been met (Form 8594).	_____	_____	_____
604) Consider risk of § 6662 accuracy-related penalty.	_____	_____	_____
605) If a partnership interest was sold during the year, attach Form 8308 (if required), and send a copy to the transferor and transferee.	_____	_____	_____
606) If a new partner was admitted, determine if existing partners realized ordinary income due to a reduction in their share of unrealized receivables.	_____	_____	_____

SHORT VERSION
PARTNERSHIP RETURN OF INCOME CHECKLIST
1997 - FORM 1065

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
607) Compare net income or loss to projections.	_____	_____	_____
608) Review prior year's return Schedule M-1, for items which may have an effect upon or require similar treatment in the current year.	_____	_____	_____
609) Reconcile income and expenses per books with return.	_____	_____	_____
610) Prepare state and local tax returns (see Nexus Guide). Furnish necessary information to partners.	_____	_____	_____
611) Attach extension requests.	_____	_____	_____
612) Determine that related party transactions are properly reported on all available returns.	_____	_____	_____
613) Inquire if information returns (1098 & 1099 series) have been filed.	_____	_____	_____
614) Inquire if employment taxes were timely deposited. (EFTPS)	_____	_____	_____
615) Inquire if employee benefit plans have been reviewed to determine if they are in compliance due to changing partnership circumstances and law changes.	_____	_____	_____
616) Note tax planning/additional service suggestions.	_____	_____	_____

COMMENTS OR EXPLANATIONS

PARTNERSHIP RETURN OF INCOME CHECKLIST
1997 - FORM 1065

Client Name and Number: _____

Prepared by: _____ Date: _____ Reviewed by: _____ Date: _____

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
100) GENERAL INFORMATION			
101) Review the partnership's and partners' names, addresses, fiscal year, business code, identification number, date business started and IRS and other tax processing centers. Note changes.	_____	_____	_____
102) Review permanent file, prior year returns, memos, workpapers, and correspondence files.	_____	_____	_____
103) Consider signed engagement letter.	_____	_____	_____
104) Identify the name, address and identifying number of the Tax Matters Partner if the partnership is subject to the consolidated audit procedures of §§ 6221-6233. (Note new final regulation § 301.6231(a)(7)-2 which provides guidance on determining the TMP for LLC's).	_____	_____	_____
105) If the partnership has been examined by the Internal Revenue Service, state or local taxing authority:			
.1) Obtain copies of the revenue agent's reports.	_____	_____	_____
.2) Determine if the agent's adjustments have been entered in the partnership's records and appropriate carry forward workpapers.	_____	_____	_____
.3) If the agent's adjustments affect income tax returns of years other than those audited, or the corresponding federal and state returns for the same year, consider filing amended returns.	_____	_____	_____
.4) Inquire whether the Tax Matters Partner has informed the partners of an examination by the IRS or state agency.	_____	_____	_____
106) Verify that a copy of the partnership agreement and all amendments are in the permanent file, or document in the permanent file why this is thought to be a partnership for federal and state income tax purposes. (Note newly issued final "check the box" regulation § 301.7701-1.)	_____	_____	_____
107) If the taxpayer is a limited liability company, obtain a copy of the operating agreement and document the status as a partnership.	_____	_____	_____

PARTNERSHIP RETURN OF INCOME CHECKLIST
1997 - FORM 1065

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
108) Determine if the partnership is a limited partnership.	_____	_____	_____
109) Review and update, schedules for federal and state carryover items such as:			
.1) Prior year deferred deductions.	_____	_____	_____
.2) Installment sales.	_____	_____	_____
.3) Changes in accounting methods requiring § 481 adjustments.	_____	_____	_____
.4) Suspended losses due to at risk limitations.	_____	_____	_____
.5) Partnership basis.	_____	_____	_____
110) Review computer-generated pro forma/organizer for accuracy.	_____	_____	_____
111) Determine if there were passive activities. (See Passive Activity Checklist). Note that partnerships must group their activities in accordance with the regulations.	_____	_____	_____
112) Determine if the partnership agreement complies with the § 704 regulations. (See § 704(b) Tax Practice Guide).	_____	_____	_____
.1) If there is nonrecourse debt:			
(a) Consider the safe harbor provisions that if met, ensure that the allocations of deductions attributable to nonrecourse debt will be deemed to be in accordance with the partner's interest in the partnership. (Reg. § 1.704-2(e)).	_____	_____	_____
(b) Determine whether a minimum gain calculation may be necessary in order to ensure proper allocation of deductions attributable to the nonrecourse debt.	_____	_____	_____
.2) Determine if there were any partner or related party loans or guarantees. If so, consider requirement to specially allocate losses to that partner. (Reg. § 1.704-2(i)).	_____	_____	_____
113) Determine that accounting methods used are comparable to the preceding year unless changes are approved or required.	_____	_____	_____
114) Consider economic performance requirement and recurring item exceptions.	_____	_____	_____

PARTNERSHIP RETURN OF INCOME CHECKLIST
1997 - FORM 1065

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
115) If the partnership is on the cash basis, determine if it must be on the accrual basis due to:			
.1) Classification as a tax shelter under § 461(i)(3).	_____	_____	_____
.2) A C corporation partner. Consider exceptions which allow partnerships with corporate partners to be on the cash basis:			
.a) \$5 million gross receipts test	_____	_____	_____
.b) "function exception"	_____	_____	_____
116) Inquire whether the partnership has made or received below-market-rate term or demand loans. Determine imputed interest consequences.	_____	_____	_____
117) Review for adequate stated interest on all new or modified debt instruments:			
.1) Determine whether OID or the unstated interest rules require restatement of note interest and principal. Note new regulations under § 1274.	_____	_____	_____
.2) Consider election for purchased discount rule § 1278.	_____	_____	_____
118) Review for proper reporting of interest recognition in accordance with Regs. §§ 1.483-4 and 1.1274-5 for debt instruments providing contingent payments.	_____	_____	_____
119) Determine if there has been a change in the partnership's ownership and/or a technical termination during the year. Note new final regulations under § 708.	_____	_____	_____
120) If a technical termination of the partnership occurred, consider the effect on partnership elections, the basis of partnership property, depreciation methods, potential credit recapture, ability to deduct unamortized costs and the need to file short period returns (§ 708). Note new final regulations under § 708.	_____	_____	_____
121) If there has been a distribution of appreciated partnership property (either an actual distribution or a deemed distribution as a result of a technical termination of the partnership), consider both the new allocation of basis rules under § 732(c) (TRA 1997) and the impact of the mandatory basis adjustment rule under § 732(d). (Note new final regulations under § 708 provide that technical terminations occurring after May 9, 1997 do not result in deemed distributions).	_____	_____	_____

PARTNERSHIP RETURN OF INCOME CHECKLIST
1997 - FORM 1065

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
122) If there has been a distribution of partnership property, determine whether § 737 requires any partner to recognize gain. Note new seven year test in § 737(b)(1) (TRA 1997). If so, the partnership's adjusted basis in the contributed property is adjusted accordingly. Note newly issued final Reg. § 1.731-2.	_____	_____	_____
123) If there were any sales or exchanges of partnership interests or partner deaths during the current year, determine if a § 754 election has been or should be made and attach required information if a current year election is being made. If made, an adjustment to the basis of partnership property is mandatory. Note that if the partnership is a partner in another partnership, a § 754 election is necessary at both tiers.	_____	_____	_____
124) Determine whether property has been contributed by a partner after March 31, 1984, and if so, that <u>all</u> items of income, gain, loss and deductions are shared among the partners to take into account the variation between the basis of the property to the partnership and its value.	_____	_____	_____
125) If the partnership has selected an allowable fiscal tax year other than the "required year," determine that Form 8716 has been timely filed, and that "required payments" have been made. Note that a copy of Form 8716 must be attached to Form 1065 for the first taxable year for which the election is made.	_____	_____	_____
126) Consider whether changes in partners' taxable years modify the partnership's "required year." Consider the need for short period returns.	_____	_____	_____
127) If the return is for a short-year, review the related requirements, and note the due date.	_____	_____	_____
128) Determine if the partnership is a publicly traded partnership.	_____	_____	_____
129) Determine if the partnership is an "electing large partnership". If so, K-1's must be furnished to all partners by March 15 (TRA 1997).	_____	_____	_____
130) Determine if the partnership has more than 100 partners. If so, the partnership return, including K-1's, must be filed with the IRS by magnetic media (TRA 1997).	_____	_____	_____
131) Determine if the partnership has restructured debt.	_____	_____	_____

If so:

PARTNERSHIP RETURN OF INCOME CHECKLIST
1997 - FORM 1065

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.1) Review for possible discharge of indebtedness income.	_____	_____	_____
.a) Determine if there has been a "material modification" (Reg. § 1.1001-1(a)) of the old debt which would constitute a taxable exchange of old debt for new debt. (See also, <u>Cottage Savings Ass'n v. Commissioner</u> , 111 S. Ct. 1503 (1991) and new final Reg. § 1.1001-3).	_____	_____	_____
.b) If there has been a "material modification," review the Original Issue Discount (OID) rules to calculate possible discharge of indebtedness income. Compare the issue price of the old debt to that of the new debt (after taking into account any adjustment to principal (if needed) due to the new debt's failure to meet the Applicable Federal Rate (AFR) for interest). Note regulations under § 1274.	_____	_____	_____
.2) If the partnership has discharge of indebtedness income, consider the possible exceptions to inclusion in income including:	_____	_____	_____
.a) § 108(a). Note that these tests are made at the partner level, not at the partnership level. (§ 108(d)(6)).			
.i) If the exclusion is applicable consider the tax attribute reduction rules in § 108(b) and providing partners with information to complete Form 982.	_____	_____	_____
.ii) Consider advising the partners of an ability to make a § 1017 election to reduce the basis of assets held by the partners. Note that this could require a stepdown in the depreciable assets of the partnership. (Form 982). (See also the proposed amendment to Reg. § 1.1017-1.)	_____	_____	_____
.iii) Note that the qualified real property business indebtedness exception does not apply to C corporations.	_____	_____	_____
.b) Qualified real property business indebtedness (§ 108(c)).	_____	_____	_____
.c) Purchase money debt. (§ 108(e)(5)). Note that the IRS has waived the bankruptcy or insolvency restrictions on the use of § 108(e)(5) by partnerships (Rev. Proc. 92-92).	_____	_____	_____
.d) If the debt is nonrecourse, consider the possible application of the "freeing of assets" theory.	_____	_____	_____

PARTNERSHIP RETURN OF INCOME CHECKLIST
1997 - FORM 1065

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.3) Determine if the new debt is qualified nonrecourse indebtedness.	_____	_____	_____
132) Determine the reporting requirements if the partnership has any tax exempt partners. (§ 6031(d)).	_____	_____	_____
133) Determine if the partnership is a family partnership. (§ 704(e))	_____	_____	_____
134) Review financial statements and footnotes for relevant information.	_____	_____	_____
135) Determine if the partnership is eligible for tax credits such as:			
.1) Foreign tax credit. (Form 1118)	_____	_____	_____
.2) Investment tax credit (rehabilitation and transition, energy and reforestation). (Form 3468)	_____	_____	_____
.3) Credit for increasing research activities. (See TRA 1997 for extension through June 30, 1998.) (Form 6765)	_____	_____	_____
.4) Enhanced oil recovery credit. (Form 8830)	_____	_____	_____
.5) Credit for producing fuels from nonconventional source.	_____	_____	_____
.6) Gasoline and special fuels credit. (Form 4136)	_____	_____	_____
.7) Low income housing credit. (Form 8586)	_____	_____	_____
.8) Disabled access credit. (Form 8826)	_____	_____	_____
.9) Qualified electric vehicle credit. (Form 8834)	_____	_____	_____
.10) Renewable electricity production credit. (Form 8835)	_____	_____	_____
.11) Credit for employer social security taxes paid on certain employee cash tips. See SBJPA 1996 for changes. (Form 8846)	_____	_____	_____
.12) Credit related to wage and health insurance costs for qualified Indian employees. (Form 8845)	_____	_____	_____
.13) Credit for contributions to certain community development corporations. (Form 8847)	_____	_____	_____
.14) Credit for alcohol used as a fuel. (Form 4136)	_____	_____	_____
.15) Empowerment zone employment credit. (Form 8844)	_____	_____	_____

PARTNERSHIP RETURN OF INCOME CHECKLIST
1997 - FORM 1065

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.16) Work Opportunity Credit for eligible employees who begin work after September 30, 1996 and before July 1, 1998. (TRA 1997). (Form 5994)	_____	_____	_____
.17) Credit for qualified clinical testing expenses (Orphan Drug Credit) and associated carrybacks and carryovers. (SBJPA 1996). Note permanently extended under TRA 1997. (Form 8820)	_____	_____	_____
136) Inquire if foreign financial accounts exist (see Form TD F 90-22.1).	_____	_____	_____
137) Determine if the partnership (SBJPA 1996):			
.1) Created a foreign trust.	_____	_____	_____
.2) Transferred property to a foreign trust.	_____	_____	_____
.3) Received distributions, directly or indirectly, from a foreign trust (§ 6048).	_____	_____	_____
.4) Received loans, unless with arms-length terms, from a foreign trust.	_____	_____	_____
.5) Is a beneficiary of a foreign trust and transferred property to a foreign grantor of the trust.	_____	_____	_____
138) Consider filing power of attorney.	_____	_____	_____
200) INCOME			
201) Compare sources and amounts of portfolio income with prior year.	_____	_____	_____
202) Determine that only trade or business (e.g., not portfolio or rental) income is shown on Page 1 of Form 1065. Report rental real estate activities on Form 8825.	_____	_____	_____
203) Determine that installment sales are reported properly.	_____	_____	_____
.1) Consider related party rules.	_____	_____	_____
.2) Determine that the full amount of depreciation recapture is reported in the year of sale whether or not a payment was received in that year.	_____	_____	_____
.3) Review for adequate stated interest on debt instruments received in connection with the sale. Determine whether original issue	_____	_____	_____

PARTNERSHIP RETURN OF INCOME CHECKLIST
1997 - FORM 1065

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
discount or unstated interest rules require restatement of note interest and principal.	_____	_____	_____
.4) If the partnership is a "dealer" with respect to the related property:			
.a) Determine that the installment method is <u>not</u> used to report post December 31, 1987 sales of dealer property. (Exceptions—farm property, certain timeshare rights and residential lots if proper election is made.)	_____	_____	_____
.b) Determine that the interest owed as a result of an election (a) above is properly reported. Note that the interest calculation is done at the partner level.	_____	_____	_____
.5) Consider special rules for installment reporting by certain non-dealers of real (post 1986 sales) or personal property (post-1988 sales) where the sales price exceeds \$150,000 (§ 453A). (Does not apply to certain farm property.)	_____	_____	_____
.a) Compute the interest charge imposed on outstanding tax deferred installment obligations if the face amount of these obligations that arose during, and are still outstanding at the close of, the tax year exceeds \$5 million. Note that the \$5 million threshold test and interest calculation are done at the partner level.	_____	_____	_____
.b) Determine that the proper amount is treated as a collection on any pledged installment obligation.	_____	_____	_____
.6) Consider election out of installment method.	_____	_____	_____
.7) Determine if an event has occurred requiring accelerated recognition of the remaining unreported gain (e.g., resale rule for related parties, cancellation of the installment obligation, disposition of the installment obligation).	_____	_____	_____
204) Deferred income and expenses:			
.1) Include in gross income, as appropriate, income deferred for books in the current year.	_____	_____	_____
.2) Exclude from gross income, as appropriate, income for books in the current year that was taken into income for tax in a prior year.	_____	_____	_____

PARTNERSHIP RETURN OF INCOME CHECKLIST
1997 - FORM 1065

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.3) Determine deductibility of prepaid expenses.	_____	_____	_____
205) For disposed properties:			
.1) Reconcile to depreciation schedule.	_____	_____	_____
.2) Determine holding period and federal, state, AMT and ACE (if there are any corporate partners) tax bases of property sold.	_____	_____	_____
.3) Determine that related gains and losses are properly characterized:			
.a) Ordinary vs. capital vs. § 1231.	_____	_____	_____
.b) Long term or short term.	_____	_____	_____
.4) Consider the provisions related to:			
.a) Nonrecognition of gain or loss (Form 8824). Note restriction on exchange of U.S. property for foreign property (TRA 1997).	_____	_____	_____
.b) The rules for like kind exchanges with related parties (Form 8824).	_____	_____	_____
.c) Recapture of depreciation (including § 291 depreciation) and/or tax credits, or reduction of credit carry forward. (See newly issued final amendments to Reg. §1.1245 addressing allocation of depreciation recapture among partners.) Note § 1245 applications (TRA 1997).	_____	_____	_____
.d) Allocation of built-in gain/loss (§ 704(c)).	_____	_____	_____
.e) New rules for involuntary conversions of post-1994 Presidentially-declared disasters (SBJPA 1996).	_____	_____	_____
.f) Forced sale of livestock on account of weather related conditions.	_____	_____	_____
206) Determine that sales of securities settled after year end, with a trade date within current year, are reported this year. Note special rules for "short sales" in § 1233.	_____	_____	_____
207) Determine if there were wash sales.	_____	_____	_____

PARTNERSHIP RETURN OF INCOME CHECKLIST
1997 - FORM 1065

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
208) Review application of straddle rules and available elections under § 1092.	_____	_____	_____
209) Report gains on constructive sales of appreciated financial positions occurring after June 8, 1997 (TRA 1997).	_____	_____	_____
210) Consider ordinary income on market discount bonds and deferral of related interest expense.	_____	_____	_____
211) Determine if there were sales or exchanges during the year between the partnership and a partner, or a related party to a partner to ensure compliance with §§ 267 and 707.	_____	_____	_____
212) Compare Forms 1099 received for proper inclusion in sales, interest income, dividends, etc.	_____	_____	_____
213) For leased property, calculate the appropriate income inclusion amount to be reported (see Vehicle Related Guides).	_____	_____	_____
214) Determine if securities held by the partnership became worthless during the year. Note that substantial worthlessness of short sale property is a gain recognition event. (TRA 1997)	_____	_____	_____
215) Consider the mark to market rules for "dealers in securities." Warning: the definition of "dealers in securities" contained in § 475 is not limited to Wall Street brokerage firms. The expansive definition includes many taxpayers involved in lending transactions and various seller financed activities.	_____	_____	_____
.1) Determine that § 475 assets are adjusted to fair market value at the end of the year.	_____	_____	_____
.2) Determine the § 481 adjustment.	_____	_____	_____
.3) Amortize the § 481 adjustment over 5 years (15 years for certain floor specialists and market makers) beginning with the year of change.	_____	_____	_____
.4) Determine if exempt securities were timely identified in taxpayer books and records.	_____	_____	_____
.5) Consider loss limitations for securities not properly identified.	_____	_____	_____
216) Inquire whether the taxpayer engaged in bartering transactions.	_____	_____	_____

PARTNERSHIP RETURN OF INCOME CHECKLIST
1997 - FORM 1065

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
300) DEDUCTIONS			
301) Review the taxpayer's vacation pay accrual policy to determine if a deduction is allowable on the accrual basis (vested at year end and paid within 2½ months after year end).	_____	_____	_____
302) Consider applicability of the uniform capitalization rules which apply to resellers with annual gross receipts in excess of \$10 million and all producers of property. (Note final regulations related to general rules (§ 1.263A-1), producers (§ 1.263A-2) and resellers (§ 1.263A-3)).	_____	_____	_____
.1) Determine that all costs are included.	_____	_____	_____
.2) Consider interest capitalization rules for debt incurred to produce property.	_____	_____	_____
.3) If the beginning inventory is revalued:			
.a) Ascertain the amount of adjustment required for the beginning inventory due to the change in method of accounting (§ 481).	_____	_____	_____
.b) Ascertain § 481 forward spread period (not to exceed four years).	_____	_____	_____
.c) Determine that Form 3115 is attached to the tax return for the year of change.	_____	_____	_____
.d) Consider electing "simplified" methods.	_____	_____	_____
.4) For farmers and ranchers consider:			
.a) One-time election out of uniform capitalization rules if election was not required in a prior year.	_____	_____	_____
.b) The exemption for expenses incurred in the production of animals.	_____	_____	_____
.5) Review the definition of "produce".	_____	_____	_____
303) Long-Term Contracts			
.1) Determine if the taxpayer is subject to the long-term contract reporting rules requiring that the percentage of completion method, instead of the completed contract method, be used to determine taxable income. Note exceptions for certain			

PARTNERSHIP RETURN OF INCOME CHECKLIST
1997 - FORM 1065

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
qualifying construction contracts and most contracts for the manufacture of property.	_____	_____	_____
.2) In determining whether contracts of the taxpayer are subject to the percentage of completion method of reporting, consider:			
.a) Related party rules.	_____	_____	_____
.b) Contract aggregation rules.	_____	_____	_____
.3) Determine that the percentage of completion is calculated based on costs incurred, not work performed.	_____	_____	_____
.4) Determine that all required costs have been allocated to the contracts. Note the expanded requirement to capitalize costs similar to the uniform capitalization rules.	_____	_____	_____
.5) Consider electing the simplified method of allocating costs, whereby fewer costs are taken into account, to determine the degree of contract completion.	_____	_____	_____
.6) Consider electing the modified percentage of completion method, whereby the recognition of income and accounting for costs is deferred until the first tax year in which at least 10% of the estimated total contract costs have been incurred as of the end of that year. Note that this election is not available if the simplified method above has been elected.	_____	_____	_____
.7) Upon completion of a contract, determine that the "look-back rule" has been applied to compare actual contract price and costs to previously used estimates and pay/claim interest on the related changes in prior years taxes on Form 8697. Note that certain small contracts are not subject to the "look-back rule," and that the "simplified" look back method is required for many partnerships. See TRA 1997 for changes in interest calculations and election to not apply the look-back method.	_____	_____	_____
304) For charitable contributions:			
.1) Inquire if all contributions are to qualified charitable organizations.	_____	_____	_____
.2) Consider the limitation related to contributions of appreciated ordinary income property.	_____	_____	_____

PARTNERSHIP RETURN OF INCOME CHECKLIST
1997 - FORM 1065

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.3) Consider the deduction for more than cost of appreciated capital gains property.	_____	_____	_____
.4) Inquire if adequate contemporaneous documentation was obtained for charitable contributions of \$250 or more.	_____	_____	_____
.5) Determine if Form 8283 is required for non-cash gifts.	_____	_____	_____
305) Determine that all guaranteed payments to partners for services or use of capital, determined without regard to income, have been deducted in computing ordinary income, or have been capitalized as required.	_____	_____	_____
306) Inquire whether the partnership can substantiate by adequate records, as required under § 274, expenses claimed for entertainment, entertainment facilities, gifts, travel, conventions. Consider optional per diem method.	_____	_____	_____
307) Determine the deductibility of club dues.	_____	_____	_____
308) Determine that certain lobbying expenses are not deducted. (Note exceptions).	_____	_____	_____
309) Inquire if dues include nondeductible lobbying expenses.	_____	_____	_____
310) Limit meals and entertainment to allowable percentage. Consider exceptions. Report the portion disallowed on Schedule K-1 so that each partner can correctly determine their basis in the partnership.	_____	_____	_____
311) Determine that proper allocations have been made by type (trade or business, investment, passive activity, tax exempt expenditures, etc.).	_____	_____	_____
312) Determine if interest deduction limitations apply to interest incurred to purchase or carry market discount bonds or short-term debt obligations.	_____	_____	_____
313) Other interest considerations:			
.1) Treat amortizable bond premiums (for bonds acquired after 1987) as an offset to interest income. (Note election under § 171(c)).	_____	_____	_____
.2) Eliminate interest expense on debts with respect to life insurance policies (purchased after June 20, 1986) on current or former beneficial owners and key employees to the extent that the total of such loans exceeds \$50,000. (Note phase-in rules under			

PARTNERSHIP RETURN OF INCOME CHECKLIST
1997 - FORM 1065

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
HIPAA 1996 and additional limitations for new or materially changed contracts issued after June 8, 1997 (TRA 1997).	_____	_____	_____
.3) Determine if there is an allowable interest deduction related to deferred compensation agreements.	_____	_____	_____
314) Determine that retirement plan contributions have been calculated using the eligible compensation limit and obtain a listing of dates and amounts paid. Note repeal of family aggregation rule, (SBJPA 1996)	_____	_____	_____
315) If taxpayer maintains a profit sharing plan and has not contributed the maximum contribution for each taxable year beginning prior to 1987, calculate the unfunded contribution carryover amount.	_____	_____	_____
316) Determine that the partnership has not deducted interest or expenses accrued to a partner or a related party unless it is includible in the income of the partner or related party. (§ 267).	_____	_____	_____
317) Determine that expenses (including interest) allocable to portfolio income have not been deducted on Page 1 Form 1065. They should be reported on Schedule K.	_____	_____	_____
318) If a partner has received an interest in exchange for services rendered, determine if the partnership has properly accounted for the exchange. (Rev. Proc. 93-27).	_____	_____	_____
319) Determine that the specific writeoff method is used for bad debts.	_____	_____	_____
320) Review partially worthless debts for write-off under Temp. Reg. § 1.166-3T.	_____	_____	_____
321) Consider option to deduct current year qualifying disaster losses on the appropriate preceding year tax return.	_____	_____	_____
322) Determine applicability of 2½ month deferred compensation rule for nonshareholder employees and independent contractors.	_____	_____	_____
323) Determine if deductions should be reduced by various credits claimed.	_____	_____	_____
324) Determine proper treatment of environmental clean-up expenses. Note new expense election (TRA 1997).	_____	_____	_____
325) Determine proper tax treatment for long term lease agreements (as lessor or lessee) where the lease provides for deferred payments or increasing payments (see also Prop. Reg. § 1.467)	_____	_____	_____

PARTNERSHIP RETURN OF INCOME CHECKLIST
1997 - FORM 1065

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
326) Determine if inventory write down for book purposes should be adjusted for tax purposes. Note that TRA 1997 allows for estimated inventory shrinkage.	_____	_____	_____
 400) DEPRECIATION/AMORTIZATION			
401) For assets placed in service during the current year:			
.1) Consider § 179 election to expense qualifying assets. Note new allowable amounts. (SBJPA 1996)	_____	_____	_____
.2) Consider § 179A election to expense qualifying clean-fuel vehicles and related refueling property placed in service after June 30, 1993.	_____	_____	_____
.3) Determine the depreciable basis of each asset.	_____	_____	_____
.4) Determine the property class, recovery period and depreciation method for each asset. Note new limitations on property qualifying for income forecast method designated lives of rent to own property (TRA 1997).	_____	_____	_____
.5) Determine the applicable convention (half-year, mid-quarter or mid-month).	_____	_____	_____
.6) Determine that the cost of leasehold improvements is being recovered over the applicable recovery period, regardless of the lease period.	_____	_____	_____
.7) Consider 36-month depreciation rules for software.	_____	_____	_____
.8) Consider reduced depreciable lives for real estate improvements and special use structure.	_____	_____	_____
.9) Consider electing the Alternative Depreciation System (straight line over an ADS recovery period) for qualifying General Depreciation System property.	_____	_____	_____
.10) For farming, determine that MACRS is applied using 150% DB. Note ADS required if elected out of § 263A.	_____	_____	_____
.11) If property is leased to a tax exempt entity, consider the possible need to use the ADS.	_____	_____	_____
.12) Consider depreciation limitations for IDB financed property, and certified historic structures for which a tax credit was taken.	_____	_____	_____

PARTNERSHIP RETURN OF INCOME CHECKLIST
1997 - FORM 1065

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.13) If a short year, determine that Rev. Proc. 89-15 is followed.	_____	_____	_____
.14) If there has been a purchase price adjustment, see Prop. Reg. § 1.168-2 (d)(3).	_____	_____	_____
.15) Determine if interest is payable under look-back method where income forecast depreciation method is used (SBJPA 1996). Note interest calculation change (TRA 1997).	_____	_____	_____
.16) Consider accelerated depreciation for qualifying property located on Indian reservations.	_____	_____	_____
402) Determine that amortizable items, including goodwill, are written off over the correct periods.	_____	_____	_____
403) Consider the provisions of Rev. Proc. 96-31 to rectify prior year claims of less than allowable depreciation or amortization.	_____	_____	_____
404) Determine if leased property/equipment should be capitalized.	_____	_____	_____
405) Consider anti-churning rules.	_____	_____	_____
406) For listed property (e.g., cellular phones, autos, computers, airplanes, boats):			
.1) For autos, consider the maximum allowable under the luxury auto rules. Note TRA 1997 exceptions for clean burning and electric vehicles.	_____	_____	_____
.2) For autos, determine limitation if the business usage is 50% or less.	_____	_____	_____
.3) Determine limitations for all other mixed-use property, if the business usage is 50% or less.	_____	_____	_____
.4) Inquire if the taxpayer has kept the required records indicating the business and personal use of property.	_____	_____	_____
5) Determine recapture if the business usage is 50% or less.	_____	_____	_____
407) Form 4562 (if required):			
.1) Reconcile depreciation expense to supporting schedules.	_____	_____	_____
.2) Complete questions regarding personal use of listed property.	_____	_____	_____

PARTNERSHIP RETURN OF INCOME CHECKLIST
1997 - FORM 1065

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.3) If the costs were incurred during the current year, determine that amortizable items are separately stated and the proper Code section cited.	_____	_____	_____
408) Consider state depreciation, if different.	_____	_____	_____
409) Consider federal and state AMT and ACE depreciation.	_____	_____	_____
410) Make adjustments for depreciable assets which are demolished, obsolete, abandoned and/or out of service. Consider credit recapture.	_____	_____	_____
500) PARTNER DATA - SCHEDULE K-1			
501) Complete the analysis of distributive items at the bottom of Schedule K.	_____	_____	_____
502) If the partnership has acquired real estate after December 31, 1986, or a partner has acquired an interest in the partnership after December 31, 1986:			
.1) Apply the at risk rules.			
.2) Identify qualified nonrecourse debt allocated to the partners. (Note clarification to rules for LLC's in Prop. Reg. § 1.465-27).	_____	_____	_____
503) Consider whether income from a pre-1987 installment sale should be considered passive income.	_____	_____	_____
504) Verify that the beginning and ending total partners' capital figures on Schedule L agree with the reconciliation of partners' capital accounts—Schedule M-2. If the M-2 capital account is a § 704 capital account, and it is different than that used on Schedule L, attach a reconciliation.	_____	_____	_____
505) Complete each partner's reconciliation of capital. Verify that the total agrees to the corresponding line on Schedule M-2 Form 1065.	_____	_____	_____
506) Determine if there has been a transfer of partnership interests during the year and if so, allocate income or loss in accordance with § 706.	_____	_____	_____
507) Determine the allocation of the partnership's recourse, nonrecourse and qualified nonrecourse liabilities and enter separately on each partner's Schedule K-1. Note that § 752 regulations may require debt to be allocated other than in accordance with the profit or loss percentages.	_____	_____	_____

PARTNERSHIP RETURN OF INCOME CHECKLIST
1997 - FORM 1065

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
508) Ensure that the partnership and K-1s report results on an activity by activity basis.	_____	_____	_____
509) Distribute each item on Schedule K among the K-1s in accordance with the provisions of the partnership agreement, or in accordance with § 704(b) if the partnership agreement is silent on § 704(b). (See § 704(b) Tax Practice Guide).	_____	_____	_____
510) Determine that proper reporting and detail have been provided for all items that affect partners' tax liability, such as:			
.1) Ordinary trade or business activities.	_____	_____	_____
.2) Rental activities.	_____	_____	_____
.3) Depreciation of built in gain/loss property (§ 704(c)).	_____	_____	_____
.4) Portfolio income by type (e.g., U.S. government interest income, state or municipal interest income), and related deductions. Consider need to attach required statement under Reg. § 1.265-1(d)(1).	_____	_____	_____
.5) Gains and losses, dates of dispositions, respective holding periods and type of assets sold. (TRA 1997)	_____	_____	_____
.6) Passive activity data. (See Passive Activity Checklist).	_____	_____	_____
.7) Partners' medical insurance and other fringe benefits. (Rev. Rul. 91-26).	_____	_____	_____
.8) Discharge of indebtedness income.	_____	_____	_____
.9) Self-charged interest. Note Prop. Reg. § 1.469-7 allowing for possible recharacterization of interest income. (See Passive Activity Checklist).	_____	_____	_____
.10) All items that affect partner basis calculations (e.g., nondeductible items).	_____	_____	_____
.11) Guaranteed payments (matching of deduction by partnership and income for partner is required). Note also that group benefits provided to a partner must be treated as guaranteed payments. (Rev. Rul. 91-26).	_____	_____	_____
.12) Credit information.	_____	_____	_____

PARTNERSHIP RETURN OF INCOME CHECKLIST

1997 - FORM 1065

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.13) Interest incurred in the production of property which may have to be capitalized at the partner level.	_____	_____	_____
.14) Casualty loss information.	_____	_____	_____
.15) Charitable contributions, including a copy of Form 8283 when required.	_____	_____	_____
.16) Other passthrough items (e.g., intangible drilling costs, depletion).	_____	_____	_____
511) Determine whether the partnership was required to register as a tax shelter—if so, enter the registration number on each K-1.	_____	_____	_____
512) Determine that Form 8271 and appropriate K-1s are attached if the partnership invested in a registered tax shelter. Note that a copy of Form 8271 must be sent to each individual partner.	_____	_____	_____
513) Segregate all tax preference and alternative minimum tax adjustment items and list on the appropriate lines of Schedules K & K-1. Note the changes to the rules regarding charitable donations of appreciated property.	_____	_____	_____
514) Prepare schedules that reflect information to allow each partner to compute credit recapture.	_____	_____	_____
515) Determine that information relating to interest expense on debt-financed distributions to partners has been provided (Notice 89-35).	_____	_____	_____
516) If the partnership has foreign partners:			
.1) Determine that proper withholding was made. (See IRC § 1441-1446)	_____	_____	_____
.2) Determine that proper payment of withholding has been made. (EFTPS)	_____	_____	_____
600) OTHER REQUIREMENTS			
601) Compute net earnings from self-employment for applicable partners and enter on Schedule K and appropriate K-1 forms. (Note legislative moratorium on LLC's under TRA 1997.)	_____	_____	_____
602) If a tiered partnership arrangement exists, review §§ 706(c)(2)(B) and 706(d)(3) regarding allocation rules.	_____	_____	_____

PARTNERSHIP RETURN OF INCOME CHECKLIST
1997 - FORM 1065

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
603) Consider elections and statements such as:			
.1) Election to amortize organization expense.	_____	_____	_____
.2) Cash vs. accrual method.	_____	_____	_____
.3) Election to expense intangible drilling costs.	_____	_____	_____
.4) Election to amortize business start-up costs.	_____	_____	_____
.5) Method for valuation of inventory.	_____	_____	_____
.6) Research and experimental cost election.	_____	_____	_____
.7) Exception from economic performance for recurring items. Under the final regulations, the election for item(s) incurred for the first time is made by accounting for the item(s) under the recurring method on a timely filed return. Note that this election does not apply to tax shelters (§ 461(i)).	_____	_____	_____
.8) If this is the first year the taxpayer incurred real property taxes, determine if a § 461(c) election to accrue ratably is more beneficial than adopting the recurring item exception (Rev. Proc. 92-28).	_____	_____	_____
.9) Election to be treated as a partnership (Form 8832).	_____	_____	_____
.10) Change in accounting method application/approval.	_____	_____	_____
604) Cross reference the following items:			
.1) Schedule L beginning balances to prior year's ending balances.	_____	_____	_____
.2) Schedule M-2 beginning equity accounts to prior year's ending balance.	_____	_____	_____
.3) Detail listings of Schedule L beginning balances to prior year's detail listings of ending balances.	_____	_____	_____
605) Determine that book/tax accounting method differences related to Schedule M-1 are documented in the workpaper files. Consider reporting on Schedule K-1.	_____	_____	_____
606) Determine if any expenditures were incurred that are eligible for the disabled access credit. (See Form 8826). If the taxpayer does not			

PARTNERSHIP RETURN OF INCOME CHECKLIST
1997 - FORM 1065

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
qualify for the credit, or has expenditures in excess of the credit limit, consider making a § 190 election to expense the costs.	_____	_____	_____
607) If the partnership is a party to an "applicable asset acquisition" (transfer of assets that constitute a trade or business or a transfer or distribution to which § 755 applies), determine that applicable reporting requirements regarding allocation of purchase price have been met (Form 8594).	_____	_____	_____
608) If the partnership owns an interest in another partnership:			
.1) Consider § 465 at risk and/or § 704(d) basis rules.	_____	_____	_____
.2) Report appropriate recourse and nonrecourse debt from the other partnership on the partners' K-1s. (Rev. Rul. 77-309).	_____	_____	_____
.3) For a distribution from or a technical termination in the 2nd tier partnership, consider both the new allocation of basis rules under § 732(c) (TRA 1997) and making a § 732(d) election. (Note new regulations under § 708). (Note also that a technical termination in the 2nd tier may result in a technical termination of the partnership).	_____	_____	_____
609) Consider § 6662 accuracy-related penalty. If this penalty could result from any income, deduction, loss, or credit item which causes a substantial change in the partner's return and causes the preparer to rise to the level of preparer of the partner's return:			
.1) Consider if substantial authority exists for the item in question. If not, consider disclosure (Form 8275 or 8275R).	_____	_____	_____
.2) Determine if the partnership is a tax shelter for purposes of § 6662.	_____	_____	_____
.3) Consider advising the taxpayer, in writing, of the penalty.	_____	_____	_____
610) Consider informing client of requirement to file Form 8300 for certain payments received exceeding \$10,000.	_____	_____	_____
611) If a partnership interest was sold during the year, attach Form 8308 (if required) to the partnership return and send copies to the transferor and transferee. Note that certain contribution-distribution arrangements may constitute a "disguised sale" under the final regulations under § 707(a)(2). Some of these transactions may be required to be reported on Form 8275 or 8275R. (Reg. § 1.707-8).	_____	_____	_____

1997 - FORM 1065

Page 22 of 24
Page Completed ☐

PARTNERSHIP RETURN OF INCOME CHECKLIST
1997 - FORM 1065

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
618) Determine that related party transactions are reported on all available returns.	_____	_____	_____
619) Information returns:			
.1) Inquire whether the partnership has filed all required information returns (1099 and 1098 series) and whether the value of the personal use of employer property, expense reimbursements under "unaccountable plans" and § 401(k) deferred compensation information has been included in its employees' W-2s.	_____	_____	_____
.2) Inquire if the taxpayer has complied with magnetic media filing requirements for Forms 1099 and W-2.	_____	_____	_____
.3) Inquire if additional items subject to employer FICA, such as § 401(k) deferrals, employer-provided excess group-term life insurance, all cash tips, etc., have been properly reported.	_____	_____	_____
.4) Determine that reimbursement of employee moving expenses are properly reported.	_____	_____	_____
.5) Inquire whether club dues, spousal travel, etc., is treated as compensation and included on employee's W-2.	_____	_____	_____
.6) Consider filing information returns relating to foreign partnerships and corporations (TRA 1997).	_____	_____	_____
620) Inquire if employment taxes were timely deposited. (EFTPS)	_____	_____	_____
621) Inquire if the required 5500 series forms have been filed for retirement plans covered by this period.	_____	_____	_____
622) Inquire if the employee benefit plans have been reviewed to determine if they are in compliance due to changing partnership circumstances and law changes.	_____	_____	_____
623) Inquire if 5500 series forms have been filed for cafeteria plans and welfare benefit plans (e.g., medical benefit plans, life insurance, disability or death benefit plans that have more than 100 participants).	_____	_____	_____
624) Advise the partnership that any unpaid retirement plan contribution for the year must be made before the due date of the return, including extensions.	_____	_____	_____
625) Note tax planning/additional service suggestions.	_____	_____	_____

PARTNERSHIP RETURN OF INCOME CHECKLIST
1997 - FORM 1065

DONE N/A COMMENTS OR
EXPLANATION

COMMENTS OR EXPLANATIONS

MINI-CHECKLIST

C CORPORATION INCOME TAX RETURN

1997 - FORM 1120

Client Name and Number: _____

Prepared by: _____ Date: _____ Reviewed by: _____ Date: _____

	<u>Done</u>	<u>N/A</u>		<u>Done</u>	<u>N/A</u>
GENERAL INFORMATION			DEDUCTIONS		
1. Review prior year returns, workpapers, correspondence and audit results.	<input type="checkbox"/>	<input type="checkbox"/>	1. Consider uniform capitalization rules.	<input type="checkbox"/>	<input type="checkbox"/>
2. Document any changes in corporation's name, address, FYE, business code.	<input type="checkbox"/>	<input type="checkbox"/>	2. Consider charitable deduction rules and limitations.	<input type="checkbox"/>	<input type="checkbox"/>
3. Consider signed engagement letter.	<input type="checkbox"/>	<input type="checkbox"/>	3. Determine deductibility of vacation pay accrual.	<input type="checkbox"/>	<input type="checkbox"/>
4. Review computer-generated pro forma/organizer for accuracy.	<input type="checkbox"/>	<input type="checkbox"/>	4. Determine applicability of 2½ month deferred comp rule for nonshareholder employees and independent contractors.	<input type="checkbox"/>	<input type="checkbox"/>
5. Update carryforward schedules, including effect of prior tax audits.	<input type="checkbox"/>	<input type="checkbox"/>	5. Inquire if travel and entertainment expenses are substantiated by adequate records.	<input type="checkbox"/>	<input type="checkbox"/>
6. Review methods of accounting.	<input type="checkbox"/>	<input type="checkbox"/>	6. Limit meals and entertainment to allowable percentage.	<input type="checkbox"/>	<input type="checkbox"/>
7. Reconcile income and expenses per return with books.	<input type="checkbox"/>	<input type="checkbox"/>	7. Consider limitations on deductibility of:		
8. Consider below-market-rate loan rules.	<input type="checkbox"/>	<input type="checkbox"/>	Club dues	<input type="checkbox"/>	<input type="checkbox"/>
9. Review financial statements and footnotes for relevant information.	<input type="checkbox"/>	<input type="checkbox"/>	Lobbying expenses/association dues	<input type="checkbox"/>	<input type="checkbox"/>
10. Review Board minutes.	<input type="checkbox"/>	<input type="checkbox"/>	Bad debts	<input type="checkbox"/>	<input type="checkbox"/>
11. Consider filing power of attorney.	<input type="checkbox"/>	<input type="checkbox"/>	Casualty losses	<input type="checkbox"/>	<input type="checkbox"/>
INCOME			8. Review amount and timeliness of retirement plan contributions.	<input type="checkbox"/>	<input type="checkbox"/>
1. Determine that dispositions of property are reported properly.	<input type="checkbox"/>	<input type="checkbox"/>	9. Consider limitation on tax attribute utilization if there has been a more than 50% ownership change.	<input type="checkbox"/>	<input type="checkbox"/>
2. Compute proper dividend received deduction.	<input type="checkbox"/>	<input type="checkbox"/>	DEPRECIATION/AMORTIZATION		
3. If closely held or PSC, consider any passive loss limitations.	<input type="checkbox"/>	<input type="checkbox"/>	1. Consider the following:		
4. Consider the following:			§ 179 election	<input type="checkbox"/>	<input type="checkbox"/>
Discharge of indebtedness	<input type="checkbox"/>	<input type="checkbox"/>	Methods and lives	<input type="checkbox"/>	<input type="checkbox"/>
Worthless securities	<input type="checkbox"/>	<input type="checkbox"/>	Listed property	<input type="checkbox"/>	<input type="checkbox"/>
Deferred income and expenses (SBJPA 1996)	<input type="checkbox"/>	<input type="checkbox"/>	Capitalization of leased property	<input type="checkbox"/>	<input type="checkbox"/>
Ordinary income on market discount bonds and deferral of related interest expense	<input type="checkbox"/>	<input type="checkbox"/>	Amortization of goodwill and other intangibles.	<input type="checkbox"/>	<input type="checkbox"/>
Installment sales and related interest charge on deferred tax	<input type="checkbox"/>	<input type="checkbox"/>	2. Compute AMT and ACE depreciation.	<input type="checkbox"/>	<input type="checkbox"/>
Sales or exchanges between the corporation and shareholder or other related parties	<input type="checkbox"/>	<input type="checkbox"/>	TAX COMPUTATION AND CREDITS		
At risk rules	<input type="checkbox"/>	<input type="checkbox"/>	1. Compute alternative minimum tax (including ACE adjustment).	<input type="checkbox"/>	<input type="checkbox"/>
Like-kind exchanges	<input type="checkbox"/>	<input type="checkbox"/>	2. Consider tax credits. (SBJPA 1996 and TRA 1997)	<input type="checkbox"/>	<input type="checkbox"/>
			3. Determine if PHC tax is applicable.	<input type="checkbox"/>	<input type="checkbox"/>

MINI-CHECKLIST
C CORPORATION INCOME TAX RETURN
1996 - FORM 1120

Done N/A

- | | | |
|---|--------------------------|--------------------------|
| 4. Consider accumulated earnings tax exposure. | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Determine if 35% PSC tax applies. | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Confirm prior year overpayments, estimates and extension payments. | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Compute underpayment penalties. (TRA 1997) | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. Prepare estimates. (EFTPS) | <input type="checkbox"/> | <input type="checkbox"/> |

OTHER REQUIREMENTS

- | | | |
|---|--------------------------|--------------------------|
| 1. Determine if NOL, capital loss or credit carryback claim is required. | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Consider election to relinquish NOL carryback. | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Consider elections and statements such as: | | |
| Amortize organization expenses | <input type="checkbox"/> | <input type="checkbox"/> |
| Cash vs. accrual | <input type="checkbox"/> | <input type="checkbox"/> |
| Amortize business startup costs | <input type="checkbox"/> | <input type="checkbox"/> |
| Method for valuation of inventory | <input type="checkbox"/> | <input type="checkbox"/> |
| Research and experimental costs | <input type="checkbox"/> | <input type="checkbox"/> |
| Exception from economic performance for recurring items (first year only) | <input type="checkbox"/> | <input type="checkbox"/> |
| Ratable accrual of real property taxes (first year only) | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Inquire whether all information reporting returns have been filed. | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Consider accuracy-related penalty (§ 6662). | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Prepare state and local tax returns. | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Attach extension requests. | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. Inquire if foreign financial accounts exist. | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. Note tax planning/additional service suggestions. | <input type="checkbox"/> | <input type="checkbox"/> |

SHORT VERSION
C CORPORATION INCOME TAX RETURN CHECKLIST
1997 - FORM 1120

Client Name and Number: _____

Prepared by: _____ Date: _____ Reviewed by: _____ Date: _____

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
100) GENERAL INFORMATION			
101) Review and update the corporation's name, address, fiscal year, incorporation date, business code, identification number, and IRS and other tax processing centers.	_____	_____	_____
102) Consider signed engagement letter.	_____	_____	_____
103) Review permanent file, prior year returns, memos, workpapers and correspondence files.	_____	_____	_____
104) Review computer-generated pro forma/organizer for accuracy.	_____	_____	_____
105) Check for carryover items and update carryforward schedule, including effects of prior tax audits.	_____	_____	_____
106) Determine that accounting methods used are comparable to the preceding year unless changes are approved or required.	_____	_____	_____
107) Obtain information concerning IRS and state tax audits and/or correspondence.	_____	_____	_____
108) Review for adequate stated interest on all new or modified debt instruments.	_____	_____	_____
109) Review financial statements and footnotes for relevant information.	_____	_____	_____
110) Review Board minutes.	_____	_____	_____
111) Consider filing Power of Attorney.	_____	_____	_____
200) INCOME			
201) Determine that installment sales are properly reported, including related interest charge on deferred tax.	_____	_____	_____
202) Review dispositions of property for holding period and federal, state, AMT and ACE tax bases. Consider non-recognition, gains, losses and recaptures. SBJPA 1996.	_____	_____	_____
203) Report gains on constructive sales of appreciated financial positions. (TRA 1997)	_____	_____	_____

SHORT VERSION
C CORPORATION INCOME TAX RETURN CHECKLIST
1997 - FORM 1120

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
204) Consider rules for like-kind and related party exchanges (Form 8824). Note restrictions for US exchange for foreign property. (TRA 1997)	_____	_____	_____
205) Determine that deferred income and expenses for book purposes are properly reported for tax purposes.	_____	_____	_____
206) Determine taxability of dividends and complete schedule C. Consider 20% ownership rule, including possible reduction in the dividends received deduction under § 246A.	_____	_____	_____
207) Exclude tax exempt income from federal gross income and state and local income as applicable, and determine whether there is interest expense disallowance related to such income.	_____	_____	_____
208) Consider the passive loss limitations for closely held or PSCs. (See Passive Activity Checklist.)	_____	_____	_____
209) Determine if there is discharge of indebtedness income. Consider exclusion and elections under § 108 and Form 982.	_____	_____	_____
210) Consider ordinary income on market discount bonds and deferral of related interest expense.	_____	_____	_____
211) Consider mark to market rules for "dealers in securities" (§ 475).	_____	_____	_____
212) Consider appropriate income inclusion amount for leased property. (See Vehicle Related Guides.)	_____	_____	_____
300) DEDUCTIONS			
301) Consider the uniform capitalization rules.	_____	_____	_____
302) Consider charitable contribution rules, limitations and contemporaneous receipt requirements.	_____	_____	_____
303) Identify any nondeductible vacation pay accrual.	_____	_____	_____
304) Inquire whether the corporation can substantiate by adequate records, as required under § 274, expenses claimed for entertainment, entertainment facilities, gifts, travel and conventions. Consider optional per diem method.	_____	_____	_____
305) Limit deduction for meals and entertainment to allowable percentage. Consider exceptions.	_____	_____	_____

SHORT VERSION
C CORPORATION INCOME TAX RETURN CHECKLIST
1997 - FORM 1120

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
306) Officers and stockholders:			
.1) Determine the ownership of officer's life insurance policies and the proper treatment of related expenses.	_____	_____	_____
.2) Identify expense including interest if applicable, for officers life insurance which are non deductible.	_____	_____	_____
.3) Determine limitation on any losses or accruals of expenses during the year between related corporation/shareholder under § 267(a)(1).	_____	_____	_____
.4) If there were any accruals of interest, compensation or other expenses payable to a shareholder or related parties, determine that for tax purposes the deduction is deferred until the year in which it is includable in income of the shareholder.	_____	_____	_____
.5) If the corporation is a PSC with a fiscal year end and § 280H applies, determine the appropriate distribution and deduction amounts.	_____	_____	_____
.6) Consider whether there is a potential unreasonable compensation issue.	_____	_____	_____
307) Consider limitations on deductibility of:			
.1) Bad debts	_____	_____	_____
.2) Casualty losses	_____	_____	_____
.3) Club dues	_____	_____	_____
.4) Lobbying expenses/association dues	_____	_____	_____
308) Determine applicability of the 2½ month deferred compensation rule for nonshareholder employees and independent contractors.	_____	_____	_____
309) Determine that retirement plan contributions are within allowable limits and are made timely.	_____	_____	_____
310) Consider economic performance requirement and recurring item exceptions.	_____	_____	_____
400) DEPRECIATION/AMORTIZATION			
401) Consider all depreciation requirements and options including:			
.1) § 179 election. (Note new allowable amounts SBJPA 96)	_____	_____	_____
.2) Methods and lives.	_____	_____	_____
.3) Requirements relating to listed property.	_____	_____	_____

SHORT VERSION
C CORPORATION INCOME TAX RETURN CHECKLIST
1997 - FORM 1120

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.4) Whether leased property should be capitalized.	_____	_____	_____
.5) Consider 36-month depreciation rules for software.	_____	_____	_____
402) Consider AMT and ACE depreciation.	_____	_____	_____
403) Determine that amortizable items, including goodwill, are written off over the correct periods.	_____	_____	_____
500) TAX COMPUTATIONS AND CREDITS			
501) If this is a consolidated tax return:			
.1) Attach Form 851.	_____	_____	_____
.2) Attach Form 1122 (only for consolidated group's first year).	_____	_____	_____
.3) Review consolidated journal entries and determine that intercompany eliminations and restorations are calculated correctly.	_____	_____	_____
.4) Attach election to allocate tax liability of group.	_____	_____	_____
502) If member of controlled group, attach apportionment schedule.	_____	_____	_____
503) Compute tax including alternative minimum tax and ACE adjustment.	_____	_____	_____
504) Consider application of environmental tax.	_____	_____	_____
505) Consider tax credits. (SBJPA 1996 and TRA 1997)	_____	_____	_____
506) Consider limitations on use of NOLs and credits.	_____	_____	_____
507) If corporation is a personal service corporation, calculate tax without benefit of graduated rates.	_____	_____	_____
508) Determine personal holding company status.	_____	_____	_____
509) Determine if accumulated earnings tax exposure is present. Note exceptions.	_____	_____	_____
510) Claim current year estimated tax payments, prior year overpayments applied and extension payments.	_____	_____	_____
511) Consider filing for a quick refund (Form 4466).	_____	_____	_____

SHORT VERSION
C CORPORATION INCOME TAX RETURN CHECKLIST
1997 - FORM 1120

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
512) Prepare Form 2220 for underestimated tax penalty or exception if applicable. Note exception under TRA 1997.	_____	_____	_____
513) Determine need for estimated tax payments. (EFTPS)	_____	_____	_____
600) OTHER REQUIREMENTS			
601) If the corporation is a party to an "applicable asset acquisition," determine that the reporting requirements have been met (Form 8594).	_____	_____	_____
602) Attach schedule for carryforward NOL.	_____	_____	_____
603) If there is a current period NOL, consider the election to forego the carryback.	_____	_____	_____
604) Consider preparing Form 1139 for carrybacks.	_____	_____	_____
605) If there is an NOL generated or utilized in the current year, disclosure is required of any change in ownership.	_____	_____	_____
606) Consider elections such as:			
.1) Amortization of organization expense.	_____	_____	_____
.2) Amortization of business start-up costs.	_____	_____	_____
.3) Ratable accrual of real property taxes (first year only).	_____	_____	_____
.4) Cash vs. accrual.	_____	_____	_____
.5) Method for valuation of inventory.	_____	_____	_____
.6) Research and experimental costs.	_____	_____	_____
.7) Exception from economic performance for recurring items (first year only).	_____	_____	_____
607) Consider applicable reporting requirements for liquidations, reorganizations, and tax-free incorporations.	_____	_____	_____
608) Reconcile net income per books to taxable income per return.	_____	_____	_____
609) Cross reference the following items:			
.1) Schedule L beginning balances to prior year's ending balances.	_____	_____	_____

SHORT VERSION
C CORPORATION INCOME TAX RETURN CHECKLIST
1997 - FORM 1120

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.2) Schedule M-2 beginning retained earnings to prior year's ending balance.	_____	_____	_____
.3) Carryforward items to carryover schedule/prior year returns.	_____	_____	_____
610) Consider accuracy-related penalty and filing of a disclosure statement. (§ 6662)	_____	_____	_____
611) Consider state tax return issues (see Nexus Guide) such as:			
.1) Tax credits.	_____	_____	_____
.2) Doing business in new states.	_____	_____	_____
.3) Unitary or consolidated filing requirements.	_____	_____	_____
.4) Allocation of investment income.	_____	_____	_____
.5) Credits for income taxes paid to other states.	_____	_____	_____
612) Attach extension requests.	_____	_____	_____
613) Inquire if employee benefit plans have been reviewed to determine if they are in compliance due to changing corporate circumstances and law changes.	_____	_____	_____
614) Compare taxable income to projections for reasonableness.	_____	_____	_____
615) Determine that related party transactions are properly reported on all available returns.	_____	_____	_____
616) Inquire if information returns (1099 and 1098 series) have been filed.	_____	_____	_____
617) Inquire if employment taxes were timely deposited. (EFTPS)	_____	_____	_____
618) Consider whether an "S" election should be made.	_____	_____	_____
619) Note tax planning suggestions.	_____	_____	_____

COMMENTS OR EXPLANATIONS

C CORPORATION INCOME TAX RETURN CHECKLIST 1997 - FORM 1120

Client Name and Number: _____

Prepared by: _____ Date: _____ Reviewed by: _____ Date: _____

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
100) GENERAL INFORMATION			
101) Review the corporation's name, address, fiscal year, incorporation date, business code, identification number, and IRS and other tax processing centers. Note changes.	_____	_____	_____
102) Consider signed engagement letter.	_____	_____	_____
103) Review permanent file, prior year returns, memos, workpapers and correspondence files.	_____	_____	_____
104) Review computer-generated pro forma/organizer for accuracy.	_____	_____	_____
105) If the corporation has been examined by the IRS, state or local taxing authorities:			
.1) Obtain copies of the revenue agent's reports.	_____	_____	_____
.2) Determine that the agent's adjustments have been entered on the corporation's records and appropriate carryforward workpapers.	_____	_____	_____
.3) If the agent's adjustments affect income tax returns of years other than those audited, or the corresponding federal or state returns for the same year, consider filing amended returns.	_____	_____	_____
106) Review and update schedules for federal and state carryover items (regular and AMT) such as:			
.1) Prior year overpayment(s) credited to current year estimate.	_____	_____	_____
.2) Prior year deferred deductions.	_____	_____	_____
.3) Net operating loss.	_____	_____	_____
(a) Consider limitations due to change in ownership rules (§ 382).	_____	_____	_____
(b) Consider limitations due to acquisition under § 384.	_____	_____	_____
(c) Consider SRLY limitation for consolidated returns.	_____	_____	_____
.4) Capital loss.	_____	_____	_____

C CORPORATION INCOME TAX RETURN CHECKLIST
1997 - FORM 1120

- | | | | |
|--|-------|-------|-------|
| .5) Investment credit. | _____ | _____ | _____ |
| .6) AMT credit. | _____ | _____ | _____ |
| .7) Other credits. | _____ | _____ | _____ |
| .8) Charitable contributions. | _____ | _____ | _____ |
| .9) Installment sales. | _____ | _____ | _____ |
| .10) Passive losses/credits. | _____ | _____ | _____ |
| .11) Suspended losses/credits due to at-risk limitations. | _____ | _____ | _____ |
| .12) Partnership basis. | _____ | _____ | _____ |
| .13) Change of accounting method adjustments (§ 481). | _____ | _____ | _____ |
| .14) § 179 amounts. | _____ | _____ | _____ |
| .15) For consolidated returns: | | | |
| (a) Stock bases. | _____ | _____ | _____ |
| (b) Excess loss accounts. | _____ | _____ | _____ |
| (c) Deferred intercompany transactions. | _____ | _____ | _____ |
| 107) Inquire whether the taxpayer has made or received any below-market-rate loans. Determine imputed interest consequences and existence of properly executed note. | _____ | _____ | _____ |
| 108) Review for adequate stated interest on debt instruments: | | | |
| .1) Determine whether original issue discount or unstated interest rules require restatement of note interest and principal. Note new regulations under § 1274. | _____ | _____ | _____ |
| .2) Consider election for purchased discount under § 1278. | _____ | _____ | _____ |
| 109) Review for proper reporting of interest recognition in accordance with Reg. §§ 1.483-4 and 1.1274-5 for debt instruments providing contingent payments. | _____ | _____ | _____ |
| 110) Consider whether or not corporate capitalization is realistic in light of the debt/equity rules. | _____ | _____ | _____ |
| 111) Document any changes in stock ownership during the tax year. | _____ | _____ | _____ |

C CORPORATION INCOME TAX RETURN CHECKLIST
1997 - FORM 1120

- | | | | |
|---|-------|-------|-------|
| 112) Determine officers' compensation and complete Schedule E, if required. | _____ | _____ | _____ |
| 113) Determine if the corporation is a personal service corporation (PSC) and is required to file on a calendar-year basis. If the PSC has made a § 444 election to have an allowable fiscal tax year, determine that Form 8716 has been timely filed. Note that a copy of Form 8716 must be attached to Form 1120 for the first tax year for which the election is made. | _____ | _____ | _____ |
| 114) If the corporation is on the cash basis, determine if the accrual basis is required (generally, gross receipts in excess of \$5 million). | _____ | _____ | _____ |
| 115) Determine if accounting methods used are comparable to the preceding year unless changes are approved or required. | _____ | _____ | _____ |
| 116) Consider economic performance requirement and recurring item exceptions. | _____ | _____ | _____ |
| 117) Review financial statements and footnotes for relevant information. | _____ | _____ | _____ |
| 118) Review Board minutes. | _____ | _____ | _____ |
| 119) Consider filing Power of Attorney. | _____ | _____ | _____ |

200) INCOME

- | | | | |
|--|-------|-------|-------|
| 201) Determine that installment sales are reported properly. | | | |
| .1) Consider related party rules. | _____ | _____ | _____ |
| .2) Determine that the full amount of depreciation recapture is reported in the year of sale whether or not payment was received in that year. | _____ | _____ | _____ |
| .3) Review for adequate stated interest on debt instruments received in connection with the sale. Determine whether original issue discount or unstated interest rules require restatement of note interest and principal. | _____ | _____ | _____ |
| .4) If the corporation is a "dealer" with respect to the related property: | | | |
| (a) Determine that the installment method is <u>not</u> used to report post-1987 sales of dealer property (exceptions—farm property, certain timeshare rights and residential lots if proper election is made). | _____ | _____ | _____ |
| (b) Determine that the interest owed as a result of an election in (a) above is properly reported. | _____ | _____ | _____ |

C CORPORATION INCOME TAX RETURN CHECKLIST
1997 - FORM 1120

- .5) Consider special rules for installment reporting by certain non-dealers of real (post-1986 sales) or personal property (post-1988 sales) where the sales price exceeds \$150,000 (§ 453A) (does not apply to certain farm property). _____
- (a) Compute the interest charge imposed on outstanding tax deferred installment obligations if the face amount of these obligations that arose during, and are still outstanding at the close of, the tax year exceeds \$5 million. _____
- (b) Determine that the proper amount is treated as a collection on any pledged installment obligation. _____
- .6) Consider election out of installment method. _____
- .7) Determine if an event has occurred requiring accelerated recognition of the remaining unreported gain (e.g., resale rule for related parties, cancellation of the installment obligation, disposition of the installment obligation). _____
- 202) For disposed property:
- .1) Reconcile to depreciation schedule. _____
- .2) Determine holding period and federal, state, AMT and ACE tax bases. _____
- .3) Determine that gains and losses are properly characterized: _____
- (a) Ordinary, § 1231, capital _____
- (b) Long term, short term _____
- .4) If there are § 1231 gains, determine the amount subject to ordinary income treatment as a result of five year recapture rule for prior net § 1231 losses. _____
- .5) Consider the provisions relating to: _____
- (a) Non-recognition of gain or loss (Form 8824). See new rules for involuntary conversion of post-1994 Presidentially declared disasters (SBJPA 1996). Note restrictions on exchanges of US property for foreign property. (TRA 1997) _____
- (b) Rules for like-kind and related party exchanges (Form 8824). _____

C CORPORATION INCOME TAX RETURN CHECKLIST
1997 - FORM 1120

- (c) Recapture of depreciation (including § 291 recapture) and/or tax credits, or reduction of credit carryforwards. Note new see 1245 applications (TRA 1997). _____
- (d) Forced sale of livestock on account of weather related conditions. _____
- 203) Deferred income and expenses:
- .1) Include in gross income, as appropriate, income deferred for books in the current year. _____
- .2) Exclude from gross income, as appropriate, income for books in the current year that was taken into income for tax in a prior year. _____
- .3) Consider whether there are any advance payments for goods that can be determined under Reg. § 1.481-5. Note the information schedule requirements. _____
- .4) Determine deductibility of prepaid expenses. _____
- 204) Review application of the wash sale rules. _____
- 205) Report gains on constructive sales of an appreciated financial positions occurring after June 8, 1997. (TRA 1997) _____
- 206) Review application of straddle rules and available elections under § 1092. _____
- 207) Determine that sales of securities settled after year end, with a trade date within current year, are reported this year. Note special rules for short sales in § 1233. _____
- 208) Exclude interest on state or local obligations from federal taxable income; however, enter amounts on Form 1120, Page 3, Schedule K, Question 12. _____
- 209) Exclude interest on exempt state, local and federal obligations from state and local taxable income. _____
- 210) Determine taxability of dividends and complete Schedule C. _____
- .1) Consider 20% ownership rule. _____
- .2) Determine that stock was held more than 45 days. _____
- .3) Consider reduction in dividends received deduction where underlying stock is debt financed (§ 246A). _____

C CORPORATION INCOME TAX RETURN CHECKLIST
1997 - FORM 1120

- .4) Determine if extraordinary dividends exceed tax basis. (TRA 1997) _____
- 211) For passive activities see Passive Activity Checklist and consider: _____
- .1) Passive activity elections. _____
- .2) If any pass-through entity in which the corporation has an interest has separately reported activities. _____
- 212) Determine if either of the following apply. If so, the corporation's losses from an activity may be limited (See Passive Activity Checklist and Form 8810):
- .1) During the last half of the year, there are five or fewer individuals who own directly or indirectly more than 50% of the stock and shareholders owning (in the aggregate) more than 50% are NOT materially participating in the activity. _____
- .2) The corporation is a personal service corporation—even if shareholders are materially participating in the activity. _____
- 213) Determine if an M-1 adjustment is required for any change in the cash surrender value of key person life insurance. _____
- 214) Determine whether income from services does not have to be accrued if, based on experience, such amounts will not be collected (§ 448(d)(5)). _____
- 215) For leased property, calculate the appropriate income inclusion amount to be reported by referring to the IRS tables (See Vehicle Related Guides). _____
- 216) Determine if there is discharge of indebtedness income. _____
- .1) Consider exclusion and elections under § 108. (See also proposed amendment to Reg. 1.1017-1) _____
- .2) Consider Form 982. _____
- 217) Determine if there have been any distributions of appreciated property to shareholders requiring recognition of gain by the corporation (§ 311). _____
- 218) Determine applicability of Reg. § 1.1502-20 disallowing loss on disposition of stock of consolidated subsidiary. _____
- 219) Determine if securities held by the corporation became worthless during the year. Note that substantial worthlessness of short sale property is a gain recognition event. (TRA 1997) _____

C CORPORATION INCOME TAX RETURN CHECKLIST
1997 - FORM 1120

220) If worthless securities were stock in an affiliated corporation, the deduction may be ordinary under § 165(g)(3) subject to:

- .1) loss disallowance rules of Reg. § 1.1502-20 (See 217 above) and _____
- .2) for consolidated return years beginning on or after January 1, 1995, the worthless stock deduction is subject to deferral under Reg. § 1.1502-80(c). _____

221) Inquire if the taxpayer engaged in bartering transactions. _____

222) Consider ordinary income on market discount bonds and deferral of related interest expense. _____

223) Determine whether interest income on ESOP loans is excludable (SBJPA 1996). _____

224) Consider the mark to market rules for "dealers in securities." Warning: the definition of "dealers in securities" contained in § 475 is not limited to Wall Street brokerage firms. The expansive definition includes many taxpayers involved in lending transactions and various seller financed activities. _____

- .1) Determine that § 475 assets are adjusted to fair market value at the end of the year. _____
- .2) Determine the § 481 adjustment. _____
- .3) Amortize the § 481 adjustment over 5 years (15 years for certain floor specialists and market makers) beginning with the year of change. _____
- .4) Determine if exempt securities were timely identified in taxpayer books and records. _____
- .5) Consider loss limitations for securities not properly identified. _____

300) DEDUCTIONS

301) Review the taxpayer's vacation pay policy to determine if a deduction is allowable on the accrual basis (vested at year end and taken within 2½ months after year end). _____

302) Consider applicability of uniform capitalization rules to resellers with annual gross receipts in excess of \$10 million and all producers of property. (Note final regulations related to general rules (§ 1.263A-1), producers (§ 1.263A-2) and resellers (§ 1.263A-3)). _____

- .1) Determine that all costs are included. _____

C CORPORATION INCOME TAX RETURN CHECKLIST
1997 - FORM 1120

.2) Consider interest capitalization rules for debt incurred to produce property.

.3) If the beginning inventory is revalued:

(a) Ascertain the amount of adjustment required for the beginning inventory due to the change in method of accounting (§ 481).

(b) Ascertain § 481 forward spread period (not to exceed four years).

(c) Determine that Form 3115 is attached to the tax return for the year of change.

(d) Consider electing "simplified" methods.

.4) For farmers and ranchers consider:

(a) One-time election out of uniform capitalization rules if election was not required in a prior year.

(b) The exemption for expenses incurred in the production of animals.

.5) Review the definition of "produce".

303) Long-Term Contracts

.1) Determine if the taxpayer is subject to the long-term contract reporting rules requiring that the percentage of completion method, instead of the completed contract method, be used to determine taxable income. Note exceptions for certain qualifying construction contracts and most contracts for the manufacture of property.

.2) In determining whether contracts of the taxpayer are subject to the percentage of completion method of reporting, consider:

(a) Related party rules.

(b) Contract aggregation rules.

.3) Determine that the percentage of completion is calculated based on costs incurred, not work performed.

.4) Determine that all required costs have been allocated to the contracts. Note the expanded requirement to capitalize costs similar to the uniform capitalization rules.

C CORPORATION INCOME TAX RETURN CHECKLIST
1997 - FORM 1120

.5) Consider electing the simplified method of allocating costs, whereby fewer costs are taken into account, to determine the degree of contract completion.

.6) Consider electing the modified percentage-of-completion method, where-by the recognition of income and accounting for costs is deferred until the first tax year in which at least 10% of the estimated total contract costs have been incurred as of the end of that year. Note that this election is not available if the simplified method above has been elected.

.7) Upon completion of a contract, determine that the "look-back rule" has been applied to compare actual contract price and costs to previously used estimates and pay/claim interest on the related changes in prior years taxes on Form 8697. Note that certain small contracts are not subject to the "look-back rule." (See TRA 1997 for changes in interest calculations and election to not apply look-back method.)

304) For charitable contributions:

.1) Inquire if all contributions are to qualified charitable organizations.

.2) Determine that certain contributions to organizations conducting lobbying activities related to the taxpayer's trade or business are not deducted.

.3) Consider the contribution deduction limitation and record any carryover amounts.

.4) If a carryforward deduction is claimed, attach a supporting schedule to the return.

.5) Inquire if adequate contemporaneous documentation was obtained for contributions made of \$250 or more.

.6) Consider the limitation related to contributions of appreciated ordinary income property.

.7) Consider increased deduction for contributions of inventory.

.8) Determine that costs of contributed property held for sale in the course of a trade or business that are incurred in the year of contribution are treated as part of cost of goods sold for such year, not a charitable contribution subject to the related rules and limitations.

.9) Consider the deduction for more than cost of appreciated capital gains property.

C CORPORATION INCOME TAX RETURN CHECKLIST
1997 - FORM 1120

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|--|-------|-------|-------|
| distribution and the maximum deductible amount—attach to the return if the minimum distribution requirements are not met. | _____ | _____ | _____ |
| .6) Consider whether there is a potential unreasonable compensation issue. | _____ | _____ | _____ |
| .7) Review documentation of shareholder loans. | _____ | _____ | _____ |
| 312) Consider limitation of deduction for executive compensation in excess of \$1 million unless qualifying performance-based program was in effect. | _____ | _____ | _____ |
| 313) Determine applicability of 2½ month deferred compensation rule for nonshareholder employees and independent contractors. | _____ | _____ | _____ |
| 314) Determine if there are non-deductible payments made under golden parachute agreements. | _____ | _____ | _____ |
| 315) Determine if compensation deductions are allowable with respect to current or past transfers of property that are no longer subject to a substantial risk of forfeiture (§ 83), or with respect to disqualifying dispositions of stock under Incentive Stock Options (§ 422), or Employee Stock Purchase Plans (§ 423). | _____ | _____ | _____ |
| 316) Determine that the specific write-off method is used for bad debts. | _____ | _____ | _____ |
| 317) Review partially worthless debt for write-off under Reg. § 1.166-3T. | _____ | _____ | _____ |
| 318) Consider limitation of Bad Debt Reserve Method for Thrifts (SBJPA 1996). | _____ | _____ | _____ |
| 319) Review increases or decreases in reserve accounts for potential M-1 items. | _____ | _____ | _____ |
| 320) If taxpayer maintains a profit sharing or stock bonus plan and has not contributed the maximum contribution for each taxable year beginning prior to 1987, calculate the unfunded contribution carryover amount. | _____ | _____ | _____ |
| 321) Determine applicability of rules with respect to post-October 2, 1989 transfers of franchises, trademarks and trade names. | _____ | _____ | _____ |
| 322) Determine if inventory write-down for book purposes should be adjusted for tax purposes. Note TRA 1997 allows estimated inventory shrinkage. | _____ | _____ | _____ |
| 323) Determine proper tax treatment for long-term lease agreements (as lessor or lessee) where the lease provides for deferred payments or increasing payments. (See also Proposed Reg. 1.467) | _____ | _____ | _____ |
| 324) Review penalties paid or accrued for deductibility. | _____ | _____ | _____ |

C CORPORATION INCOME TAX RETURN CHECKLIST
1997 - FORM 1120

325) Interest considerations:

- | | | | |
|--|-------|-------|-------|
| .1) Treat amortizable bond premiums (for bonds acquired after 1987) as an offset to interest income. | _____ | _____ | _____ |
| .2) Eliminate interest expense on debts with respect to life insurance policies (purchased after June 20, 1986) on current or former beneficial owners and key employees to the extent that the total of such loans exceeds \$50,000. Note phase-in rules under HIPAA 1996, and additional limitations for new or materially changed contracts issued after June 8, 1997. (TRA 1997) | _____ | _____ | _____ |
| .3) Determine that proper allocation of interest expense has been made if the proceeds of a loan were used for more than one purpose. | _____ | _____ | _____ |
| .4) Determine that the proper allocations have been made by type (trade or business, investment, passive activity, tax-exempt expenditures, etc.) | _____ | _____ | _____ |
| .5) Determine if there is an allowable interest deduction related to deferred compensation agreements. | _____ | _____ | _____ |
| .6) Determine if interest deduction limitations apply to interest incurred to purchase or carry market discount bonds or short-term debt obligations. | _____ | _____ | _____ |
| .7) Capitalize interest and carrying charges on straddles (§ 263(g)). | _____ | _____ | _____ |
| .8) Determine if any interest is nondeductible on disqualified debt instruments under § 163(l). (TRA 1997) | _____ | _____ | _____ |
| 326) Consider limitations on deducting expenses related to federally tax exempt income. Note that these expenses may be deductible at the state level if the related income is state taxable. | _____ | _____ | _____ |
| 327) Consider option to deduct current year qualifying disaster losses on preceding year tax return by filing an amended return. | _____ | _____ | _____ |
| 328) Determine that retirement plan contributions have been calculated using the eligible compensation limit and obtain a listing of the amounts and payments. Note Repeal of Family Aggregation Rules. (SBJPA 1996) | _____ | _____ | _____ |
| 329) Determine if deductions should be reduced by credits claimed. | _____ | _____ | _____ |
| 330) Determine proper treatment of environmental clean-up expenses. Note new expense election. (TRA 1997) | _____ | _____ | _____ |

C CORPORATION INCOME TAX RETURN CHECKLIST
1997 - FORM 1120

400) DEPRECIATION/AMORTIZATION

401) For assets placed in service during the current year:

- .1) Consider § 179 election to expense qualifying assets. Note new allowance amounts (SBJPA 96) _____
- .2) Consider § 179A election to expense qualifying clean-fuel vehicles and related refueling property placed in service after June 30, 1993. _____
- .3) Determine the depreciable basis of each asset. _____
- .4) Determine the property class, recovery period and depreciation method for each asset. Note new limitations on property qualifying for income forecast method and designated lives or rent to own property. (TRA 1997) _____
- .5) Determine the applicable convention (half-year, mid-quarter or mid-month). _____
- .6) Determine that the cost of leasehold improvements is being recovered over the applicable recovery period, regardless of the lease period. _____
- .7) Consider 36-month depreciation rules for software. _____
- .8) Consider reduced depreciable lives for real estate improvements and special use structure. _____
- .9) Consider electing the Alternative Depreciation System (straight line over an ADS recovery period) for qualifying General Depreciation System property. _____
- .10) For farming, determine that MACRS is applied using 150% DB. Note ADS required if elected out of § 263A. _____
- .11) If property is leased to a tax exempt entity, consider the possible need to use the ADS. _____
- .12) Consider depreciation limitations for IDB financed property, and certified historic structures for which a tax credit was taken. _____
- .13) If a short year, determine that Rev. Proc. 89-15 is followed. _____
- .14) If there has been a purchase price adjustment, see Prop. Reg. § 1.168-2(d)(3). _____

C CORPORATION INCOME TAX RETURN CHECKLIST
1997 - FORM 1120

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|--|-------|-------|-------|
| .15) Determine if interest is payable under look-back method where income forecast method is used (SBJPA 1996). Note interest calculations change (TRA 1997) | _____ | _____ | _____ |
| .16) Consider accelerated depreciation for qualifying property located on Indian reservations. | _____ | _____ | _____ |
| 402) Determine that amortizable items, including goodwill, are written off over the correct periods. | _____ | _____ | _____ |
| 403) Consider the provisions of Rev. Proc. 96-31 to rectify prior year claims of less than allowable depreciation or amortization. | _____ | _____ | _____ |
| 404) Determine if leased property should be capitalized. | _____ | _____ | _____ |
| 405) Consider anti-churning rules. | _____ | _____ | _____ |
| 406) For listed property (e.g., cellular phones, autos, computers, airplanes, boats): | | | |
| .1) For autos, consider the maximum allowable under the luxury auto rules. Note TRA 1997 exceptions for clean-burning and electric vehicles. | _____ | _____ | _____ |
| .2) For autos, determine limitation if the business usage is 50% or less. | _____ | _____ | _____ |
| .3) Determine limitations for all other mixed-use property, if the business usage is 50% or less. | _____ | _____ | _____ |
| .4) Inquire if the taxpayer has kept the required records indicating the business and personal use of property. | _____ | _____ | _____ |
| 5) Determine recapture if the business usage is 50% or less. | _____ | _____ | _____ |
| 407) Form 4562 (if required): | | | |
| .1) Reconcile depreciation expense to supporting schedules. | _____ | _____ | _____ |
| .2) Complete questions regarding personal use of listed property. | _____ | _____ | _____ |
| .3) If the costs were incurred during the current year, determine that amortizable items are separately stated and the proper Code section cited. | _____ | _____ | _____ |
| 408) Consider state depreciation, if different. | _____ | _____ | _____ |
| 409) Consider federal and state AMT depreciation. | _____ | _____ | _____ |

C CORPORATION INCOME TAX RETURN CHECKLIST

1997 - FORM 1120

410) Make adjustments for depreciable assets which are demolished, obsolete, abandoned and/or out of service. Consider credit recapture.

500) TAX COMPUTATIONS AND CREDITS

501) Compute regular tax.

502) Consider alternative tax rate on net capital gains (SBJPA 1996).

503) If this is a consolidated tax return:

.1) Attach Form 851.

.2) Attach Form 1122 (only for consolidated group's first year).

.3) Review consolidated journal entries and determine that intercompany eliminations and restorations are calculated correctly.

.4) Attach election to allocate tax liability of group.

504) If taxpayer is part of a controlled group, consider special allocation rules under §§ 1561 and 1563. Attach apportionment schedule.

505) Alternative minimum tax:

.1) Consider adjustments to regular taxable income or loss such as:

(a) Depreciation on property placed in service after 1986 (or July 31, 1986, if election was made) must be computed using ADS (Rev. Proc. 87-57).

(b) Mining exploration and development costs must be capitalized and amortized over a ten-year period.

(c) Gains/losses on sales and exchanges are to be recomputed using AMT adjusted basis.

(d) Income from long-term contracts entered into after February 28, 1986 must be computed using the percentage-of-completion method of accounting. (Note exception for home construction contracts.) See exception for cash basis farmers. (TRA 1997)

(e) Income from post-February 28, 1986 disposition of real or personal property held for sale in the ordinary course of business shall be determined without regard to the installment method, except in cases where an election is made to pay

C CORPORATION INCOME TAX RETURN CHECKLIST
1997 - FORM 1120

interest on the tax deferred by the installment method. Note exception for cash basis farmers. (TRA 1997)

- (f) All gains and losses from tax shelter farm activities, that are not passive activities, are to be recomputed by taking into account any AMT adjustments and tax preference items (PSCs only).

- (g) All passive activity gains and losses are to be recomputed by taking into account any AMT adjustments, tax preference items, and AMT prior year unallowed losses (closely held corporations and PSCs only).

.2) Consider tax preference items to be added such as:

- (a) Tax exempt interest from private activity bonds issued after August 7, 1986.

- (b) Excess intangible drilling costs.

- (c) Accelerated depreciation on real property placed in service before 1987.

- (d) Accelerated depreciation on leased personal property placed in service prior to 1987 (PHCs only).

.3) Adjusted current earnings (ACE) adjustment (§ 56(g)) must be calculated taking into account adjustments such as:

- (a) Depreciation for property placed in service prior to 1994.

- (b) E&P inclusion items:

- i) Net tax exempt interest income.

- ii) Net death benefits from life insurance contracts.

- iii) Other.

- (c) E&P disallowed items:

- i) Dividends received deduction (70%).

- ii) Other.

- (d) Other E&P adjustments:

- i) LIFO.

C CORPORATION INCOME TAX RETURN CHECKLIST
1997 - FORM 1120

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| ii) Amortization of organization expense. | _____ | _____ | _____ |
| iii) Installment sales. | _____ | _____ | _____ |
| iv) Other. | _____ | _____ | _____ |
| .4) Use AMT net operating loss (NOL) deduction in place of the regular NOL deduction. Post-1986 AMT NOL deduction is available only to the extent of 90% of pre-NOL AMTI. | _____ | _____ | _____ |
| .5) Consider foreign tax credit. | _____ | _____ | _____ |
| .6) Consider AMT credit carryover. | _____ | _____ | _____ |
| .7) Consider potential relief under AMT Tax Benefit Rule § 59(g). | _____ | _____ | _____ |
| 506) Consider § 1341 claim of right where an item of income was included in gross income in a previous year and a deduction for such item is allowable this year. | _____ | _____ | _____ |
| 507) Determine if the corporation is eligible for tax credits such as: | | | |
| .1) Foreign tax credit. (Form 1118) | _____ | _____ | _____ |
| .2) Investment tax credit (rehabilitation and transition, energy and reforestation). (Form 3468) | _____ | _____ | _____ |
| .3) Credit for increasing research activities. (See TRA 1997 for extension through June 30, 1998.) (Form 6765) | _____ | _____ | _____ |
| .4) Enhanced oil recovery credit. (Form 8830) | _____ | _____ | _____ |
| .5) Credit for producing fuels from nonconventional source. | _____ | _____ | _____ |
| .6) Gasoline and special fuels credit. (Form 4136) | _____ | _____ | _____ |
| .7) Low income housing credit. (Form 8586) | _____ | _____ | _____ |
| .8) Disabled access credit. (Form 8826) | _____ | _____ | _____ |
| .9) Qualified electric vehicle credit. (Form 8834). | _____ | _____ | _____ |
| .10) Renewable electricity production credit. (Form 8835). | _____ | _____ | _____ |
| .11) Credit for employer social security taxes paid on certain employee cash tips. See SBJPA 1996 for changes. (Form 8846) | _____ | _____ | _____ |
| .12) Credit related to wage and health insurance costs for qualified Indian employees (Form 8845). | _____ | _____ | _____ |

C CORPORATION INCOME TAX RETURN CHECKLIST
1997 - FORM 1120

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|---|-------|-------|-------|
| .13) Credit for contributions to certain community development corporations (Form 8847). | _____ | _____ | _____ |
| .14) Credit for alcohol used as a fuel. (Form 4136) | _____ | _____ | _____ |
| .15) Empowerment zone employment credit (Form 8844). | _____ | _____ | _____ |
| .16) The Work Opportunity Credit for eligible employees who began work after September 30, 1996, and before July 1, 1998. (SBJPA 1996 and TRA 1997) (Form 5884) | _____ | _____ | _____ |
| .17) The credit for qualified clinical testing expenses (Orphan Drug Credit) and associated carrybacks and carryovers. (SBJPA 1996) Note permanently extended under TRA 1997. (Form 8820) | _____ | _____ | _____ |
| 508) Determine if the corporation is a personal holding company. | | | |
| .1) Prepare Schedule PH. | _____ | _____ | _____ |
| .2) Consider consent dividends. | _____ | _____ | _____ |
| 509) Determine if the corporation is a personal service corporation subject to tax without benefit of graduated rates. | | | |
| _____ | _____ | _____ | _____ |
| 510) Consider whether accumulated earnings tax exposure is present. Note exceptions. | | | |
| _____ | _____ | _____ | _____ |
| 511) Confirm the amounts and dates of any federal, state and local estimated tax deposits for the year, prior year overpayments applied, backup withholding and extension payments. | | | |
| _____ | _____ | _____ | _____ |
| 512) If estimated tax deposits are less than 100% of the tax liability, including alternative minimum tax, consider filing Form 2220. Note exception under TRA 1997. | | | |
| _____ | _____ | _____ | _____ |
| 513) Consider estimated tax payments, alternate "large corporation" estimate payment calculation and electronic filing requirements. Note: Prior year safe harbor does not apply if prior year return was not for twelve months, shows no tax or if no prior year return was filed. | | | |
| _____ | _____ | _____ | _____ |
| 514) Consider election to use one of the two new optional time periods to determine annualized income for purposes of paying estimated taxes (Form 8842 must be filed by the 15th day of the fourth month of the tax year for which the election is to apply). | | | |
| _____ | _____ | _____ | _____ |
| 515) Consider filing Form 4466 for a quick refund of overpaid estimated tax. | | | |
| _____ | _____ | _____ | _____ |

C CORPORATION INCOME TAX RETURN CHECKLIST
1997 - FORM 1120

600) OTHER REQUIREMENTS

601) If the corporation is party to an "applicable asset acquisition" (transfer of assets that constitute a trade or business), determine that applicable reporting requirements regarding allocation of purchase price have been met (Form 8594).

602) If the corporation has made a qualifying stock purchase attach Form 8023A. Consider the election to treat the purchase as an asset acquisition (§ 338).

603) Determine if Form 8271 is required for tax shelters.

604) Net Operating Losses (NOL):

.1) If an NOL deduction is claimed, prepare supporting schedules for regular and AMT carryovers to be attached to the return.

.2) If there is a current year NOL, consider the election to forego the carryback.

.3) Determine if part of a current NOL is attributable to a specified liability loss, such as product liability (§ 172(b)(i)(c)). Attach statement (Reg. § 1.172 - 13(c)).

.4) If there is an NOL incurred in the current year, or a carryforward deducted in the current year, disclosure is required of any change in ownership.

.5) Consider preparing Form 1139 for carrybacks.

.6) If a net operating loss is anticipated for next year, consider filing Form 1138 to extend time for paying current year's tax.

.7) Consider state differences.

605) Consider elections and statements such as:

.1) Election to amortize organization expense.

.2) Election to amortize business start-up costs.

.3) Cash vs. accrual method.

.4) Election to expense intangible drilling costs.

.5) § 351, statement of transferred assets.

.6) Method for valuation of inventory.

C CORPORATION INCOME TAX RETURN CHECKLIST
1997 - FORM 1120

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| .7) Change in accounting method application/approval. | _____ | _____ | _____ |
| .8) Research and experimental costs. | _____ | _____ | _____ |
| .9) Exception from economic performance for recurring items. Under final regulations, the election for any item(s) incurred for the first time is made by accounting for the item(s) under the recurring method on a timely filed tax return. | _____ | _____ | _____ |
| .10) If this is the first year the taxpayer has incurred real property taxes, determine if a § 461(c) election to accrue ratably is more beneficial than adopting the recurring item exception (Rev. Proc. 92-28). | _____ | _____ | _____ |
| .11) Election to apply any overpayment to a particular quarter other than the first (Rev. Rul. 88-98). | _____ | _____ | _____ |
| .12) Section 265 (expenses and interest related to tax-exempt income) allocation statement. | _____ | _____ | _____ |
| 606) Determine if expenditures were incurred that are eligible for the Disabled Access Credit (Form 8826). If the taxpayer does not qualify for the credit or has expenditures in excess of the credit limit, consider making § 190 election to expense the costs. | _____ | _____ | _____ |
| 607) Consider applicable reporting requirements, including information reporting Forms 1099, for the following corporate liquidation and reorganization transactions: | | | |
| .1) Reorganizations (Reg. § 1.368-3). | _____ | _____ | _____ |
| .2) Liquidation (Reg. § 1.332-6). | _____ | _____ | _____ |
| .3) Corporate separations (Reg. § 1.355-5). | _____ | _____ | _____ |
| 608) Reconcile net income per books to taxable income per return, including review of prior year's schedule M-1 adjustments. | _____ | _____ | _____ |
| 609) Cross reference the following items: | | | |
| .1) Schedule L beginning balances to prior year's ending balances. | _____ | _____ | _____ |
| .2) Schedule M-2 beginning retained earnings to prior year's ending balance. | _____ | _____ | _____ |
| .3) Detail listings of Schedule L beginning balances to prior year's detail listings of ending balances. | _____ | _____ | _____ |
| .4) Carryforward items to carryover schedule/prior year returns. | _____ | _____ | _____ |

C CORPORATION INCOME TAX RETURN CHECKLIST
1997 - FORM 1120

- 610) Cross reference line items to supporting schedules within the return. _____
- 611) Consider § 6662 accuracy-related penalty. If this penalty could apply:
- .1) Consider if substantial authority exists for the item in question. If not, consider disclosure (Form 8275 or 8275R). _____
- .2) Consider advising the taxpayer, in writing, of the penalty. _____
- 612) Consider filing information returns related to ownership in foreign partnerships and corporations (Form 5471). _____
- 613) Consider filing requirements of foreign owned U.S. corporations (Form 5472). _____
- 614) Determine if Form TD F 90-22.1 is needed to report foreign financial accounts. _____
- 615) Determine if corporation (SBJPA 1996):
- .1) Created a foreign trust _____
- .2) Transferred property to a foreign trust _____
- .3) Received distributions, directly or indirectly, from a foreign trust (§ 6048). _____
- .4) Received loans, unless with arms-length terms, from a foreign trust. _____
- .5) Is a beneficiary of a foreign trust and transferred property to a foreign grantor of the trust. _____
- 616) Consider other foreign reporting requirements. (Note new foreign trust reporting requirements SBJPA 1996) _____
- 617) Prepare state and local tax returns (see Nexus Practice Guide) and review each state's modification requirements. Compile apportionment data. _____
- Consider the following:
- .1) State tax credits. _____
- .2) Taxpayer doing business in new states. _____
- .3) Unitary or consolidated filing requirements or opportunities. _____
- .4) Allocation of investment income. _____

C CORPORATION INCOME TAX RETURN CHECKLIST
1997 - FORM 1120

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|---|-------|-------|-------|
| .5) Carryback claims. | _____ | _____ | _____ |
| .6) Applicability of throwback rule for "non-taxed" out of state sales. | _____ | _____ | _____ |
| .7) Estimated taxes. (EFTPS) | _____ | _____ | _____ |
| .8) If appropriate, trace sales from apportionment factor to sales tax returns. | _____ | _____ | _____ |
| .9) Appropriate treatment of federal consolidated return items not reflected in separate company state filings. | _____ | _____ | _____ |
|
618) Extended returns: | | | |
| .1) Attach extension requests. | _____ | _____ | _____ |
| .2) Verify that payments per extensions agree with tax returns. | _____ | _____ | _____ |
| .3) If extension payment did not cover the full tax for the year, consider: | | | |
| (a) Adding interest to balance due. | _____ | _____ | _____ |
| (b) Adding a statement disclosing reasonable cause to avoid the failure to pay penalty (§ 6651(a)(2)). | _____ | _____ | _____ |
| 619) Determine if there have been non-dividend distributions (Form 5452). | _____ | _____ | _____ |
|
620) Information returns: | | | |
| .1) Inquire if taxpayer has complied with magnetic media requirements for Forms 1099 and W-2. | _____ | _____ | _____ |
| .2) Inquire whether the corporation has filed all required information returns (1098 and 1099 series) and whether the value of the personal use of employer property, expense reimbursements under "unaccountable plans," and § 401(k) deferred compensation information has been included in employees' W-2s. Note Form 1099-C to report cancellation of debt. | _____ | _____ | _____ |
| .3) Inquire if additional items subject to employer FICA such as § 401(k) deferrals, employer-provided excess group-term life insurance, all cash tips, etc., have been reported. | _____ | _____ | _____ |
| .4) Determine that reimbursement of employee moving expenses are properly reported. | _____ | _____ | _____ |
| .5) Inquire whether club dues, spousal travel, etc., are treated as compensation and included on employee's W-2. | _____ | _____ | _____ |

C CORPORATION INCOME TAX RETURN CHECKLIST
1997 - FORM 1120

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|--|-------|-------|-------|
| 621) Inquire if employment taxes were timely deposited. (EFTPS) | _____ | _____ | _____ |
| 622) Inquire if the corporation has updated the corporate minute book. | _____ | _____ | _____ |
| 623) Advise the corporation that any unpaid retirement plan contribution for the year must be made before the due date of the return, including extension. | _____ | _____ | _____ |
| 624) Inquire if the required 5500 series forms have been filed for retirement plans covered by this period. | _____ | _____ | _____ |
| 625) Inquire if the required 5500 series forms have been filed for cafeteria plans and welfare benefit plans (e.g., medical benefit plans, life insurance, disability or death benefit plans that have more than 100 participants). | _____ | _____ | _____ |
| 626) Compare taxable income or loss to projections. | _____ | _____ | _____ |
| 627) Determine that related party transactions are properly reported on all available returns. | _____ | _____ | _____ |
| 628) With respect to related party transactions, determine that the taxpayer has adequate contemporaneous documentation to substantiate the arms length pricing of the transaction. | _____ | _____ | _____ |
| 629) Determine that salary and other transactions between the corporation and officers/shareholders are properly recorded on all available returns. | _____ | _____ | _____ |
| 630) If the corporation is a member of a partnership, consider § 465 at risk and/or § 704(d) basis rules. | _____ | _____ | _____ |
| 631) If the corporation sells an interest in a partnership that has § 751(a) assets, attach the required statement under Reg. § 1.751-1(a)(3). | _____ | _____ | _____ |
| 632) If a distribution or technical termination has occurred in a partnership in which the corporation is a partner, consider both the new allocation of basis rules under § 732(c) (TRA 1997) and making a § 732(d) election. Note exception for post May 9, 1997, Technical Terminations (Reg 1.708-1) | _____ | _____ | _____ |
| 633) Consider informing client of requirements to file Form 8300 for certain payments received exceeding \$10,000. | _____ | _____ | _____ |
| 634) Consider whether an "S" election should be made. | _____ | _____ | _____ |
| 635) Note tax planning/additional service suggestions. | _____ | _____ | _____ |

C CORPORATION INCOME TAX RETURN CHECKLIST
1997 - FORM 1120

COMMENTS OR EXPLANATIONS

MINI-CHECKLIST
S CORPORATION INCOME TAX RETURN
1997 - FORM 1120S

Client Name and Number: _____

Prepared by: _____ Date: _____ Reviewed by: _____ Date: _____

	<u>Done</u>	<u>N/A</u>		<u>Done</u>	<u>N/A</u>
GENERAL INFORMATION					
1. Review prior year returns, workpapers, correspondence and audit results.	<input type="checkbox"/>	<input type="checkbox"/>	Like-kind exchanges	<input type="checkbox"/>	<input type="checkbox"/>
			Deferred income/expenses (SBJPA 1996)	<input type="checkbox"/>	<input type="checkbox"/>
2. Document any changes in corporation's name and address, shareholders' names and addresses, FYE, and business code	<input type="checkbox"/>	<input type="checkbox"/>	5. Consider separate reporting of passive activities on K-1 schedules (see Passive Activity Checklist).	<input type="checkbox"/>	<input type="checkbox"/>
3. Consider signed engagement letter.	<input type="checkbox"/>	<input type="checkbox"/>	DEDUCTIONS		
4. Review pro forma/organizer accuracy.	<input type="checkbox"/>	<input type="checkbox"/>	1. Consider uniform capitalization rules.	<input type="checkbox"/>	<input type="checkbox"/>
5. Consider below-market-rate loan rules.	<input type="checkbox"/>	<input type="checkbox"/>	2. Determine deductibility of vacation pay accrual.	<input type="checkbox"/>	<input type="checkbox"/>
6. Determine officers' compensation.	<input type="checkbox"/>	<input type="checkbox"/>	3. Determine applicability of 2½ month deferred comp rule for nonshareholder employees and independent contractors	<input type="checkbox"/>	<input type="checkbox"/>
7. If fiscal year retained, determine that Form 8716 timely filed and "required payments" made.	<input type="checkbox"/>	<input type="checkbox"/>	4. Determine that fringe benefits for more than 2% shareholders are properly reported on W-2 and deducted.	<input type="checkbox"/>	<input type="checkbox"/>
8. Review methods of accounting.	<input type="checkbox"/>	<input type="checkbox"/>	5. Inquire if travel and entertainment expenses are substantiated by adequate records.	<input type="checkbox"/>	<input type="checkbox"/>
9. Consider recurring item exception election for accrual method taxpayers.	<input type="checkbox"/>	<input type="checkbox"/>	6. Limit meals and entertainment to allowable percentage.	<input type="checkbox"/>	<input type="checkbox"/>
10. Update carryforward schedules including effect of prior period tax audits.	<input type="checkbox"/>	<input type="checkbox"/>	7. Consider the following for officers and shareholders:		
11. Review financial statements and footnotes for relevant information.	<input type="checkbox"/>	<input type="checkbox"/>	Nondeductible officers' life insurance.	<input type="checkbox"/>	<input type="checkbox"/>
12. Include QSSS activity.	<input type="checkbox"/>	<input type="checkbox"/>	Limitation on losses, or accruals between related parties.	<input type="checkbox"/>	<input type="checkbox"/>
13. Consider filing power of attorney.	<input type="checkbox"/>	<input type="checkbox"/>	Inadequate compensation.	<input type="checkbox"/>	<input type="checkbox"/>
			8. Limit interest incurred to purchase or carry market discount bonds or short-term debt obligations.	<input type="checkbox"/>	<input type="checkbox"/>
			9. Limit retirement contributions to allowable amount.	<input type="checkbox"/>	<input type="checkbox"/>
INCOME			10. Properly report expenses allocable to portfolio income on Schedules K and K-1 and not deducted on page 1, 1120S.	<input type="checkbox"/>	<input type="checkbox"/>
1. Compare portfolio income with prior year.	<input type="checkbox"/>	<input type="checkbox"/>	11. Consider limitations on deductibility of:		
2. Include only trade or business income on page 1, Form 1120S.	<input type="checkbox"/>	<input type="checkbox"/>	Bad debts	<input type="checkbox"/>	<input type="checkbox"/>
3. Determine that dispositions of property are reported properly.	<input type="checkbox"/>	<input type="checkbox"/>	Club dues	<input type="checkbox"/>	<input type="checkbox"/>
4. Consider the following:			Lobbying expense/Association dues	<input type="checkbox"/>	<input type="checkbox"/>
Ordinary income on market discount bonds and deferral of related interest expense	<input type="checkbox"/>	<input type="checkbox"/>	Casualty loss	<input type="checkbox"/>	<input type="checkbox"/>
Installment sales and related interest charge on deferred tax	<input type="checkbox"/>	<input type="checkbox"/>	DEPRECIATION/AMORTIZATION		
Sales or exchanges between the corporation and shareholder or other related parties	<input type="checkbox"/>	<input type="checkbox"/>	1. Consider the following:		
At risk rules	<input type="checkbox"/>	<input type="checkbox"/>	§ 179 election	<input type="checkbox"/>	<input type="checkbox"/>
			Methods and lives	<input type="checkbox"/>	<input type="checkbox"/>
			Listed property	<input type="checkbox"/>	<input type="checkbox"/>

MINI-CHECKLIST
S CORPORATION INCOME TAX RETURN
1997 - FORM 1120S

	<u>Done</u>	<u>N/A</u>		<u>Done</u>	<u>N/A</u>
Discharge of indebtedness	<input type="checkbox"/>	<input type="checkbox"/>	Capitalization of leased property	<input type="checkbox"/>	<input type="checkbox"/>
Worthless securities	<input type="checkbox"/>	<input type="checkbox"/>	Amortization of goodwill and other intangibles	<input type="checkbox"/>	<input type="checkbox"/>

2. Compute AMT depreciation. ☐ ☐

OTHER

TAX COMPUTATION AND CREDITS

Consider the following:

Tax on excess net passive income	<input type="checkbox"/>	<input type="checkbox"/>
Tax on built-in gain	<input type="checkbox"/>	<input type="checkbox"/>
Tax on capital gains	<input type="checkbox"/>	<input type="checkbox"/>
Credit recapture tax	<input type="checkbox"/>	<input type="checkbox"/>
Estimated federal and state tax payments	<input type="checkbox"/>	<input type="checkbox"/>
Tax credits (SBJPA 1996 and TRA 1997)	<input type="checkbox"/>	<input type="checkbox"/>

SHAREHOLDER INFORMATION

1. Shareholder allocation/limitation:

Determine that income, deductions, and credits are allocated to the shareholders on a per-share, per-day basis.	<input type="checkbox"/>	<input type="checkbox"/>
If complete termination occurred, consider specific cut off.	<input type="checkbox"/>	<input type="checkbox"/>
Attach shareholder consent and statement of election. (Prop. Reg. § 1.1377-1)	<input type="checkbox"/>	<input type="checkbox"/>

2. Shareholder distribution/basis computations:

Determine that equity increases and decreases (Schedule M) are properly segregated among:

Accumulated adjustment account	<input type="checkbox"/>	<input type="checkbox"/>
Other adjustments account	<input type="checkbox"/>	<input type="checkbox"/>
Shareholders undistributed PTI	<input type="checkbox"/>	<input type="checkbox"/>

Determine proper reporting if distributions exceed accumulated adjustment account. ☐ ☐

Determine that gains are recognized and allocated to each shareholder for distribution of appreciated property. ☐ ☐

3. Consider Shareholder Basis Practice Guide. ☐ ☐

K-1 INFORMATION

- Properly reflect shareholders' shares of all items that affect tax liability. ☐ ☐
- Segregate and report tax preference and adjustment items. ☐ ☐
- Determine that information relating to interest expense on debt-financed distributions has been provided. ☐ ☐

1. Consider elections and statements such as:

Cash vs. accrual	<input type="checkbox"/>	<input type="checkbox"/>
Amortize organization expenses	<input type="checkbox"/>	<input type="checkbox"/>
Expense intangible drilling costs	<input type="checkbox"/>	<input type="checkbox"/>
Method of valuation of inventory	<input type="checkbox"/>	<input type="checkbox"/>
Ratable accrual of real property taxes (first year only)	<input type="checkbox"/>	<input type="checkbox"/>
Amortize business start-up cost	<input type="checkbox"/>	<input type="checkbox"/>
Research and experimental cost	<input type="checkbox"/>	<input type="checkbox"/>
Exception from economic performance for recurring clients (first year only)	<input type="checkbox"/>	<input type="checkbox"/>

2. Consider risk of accuracy-related penalty. (§ 6662) ☐ ☐

3. Inquire whether all required information returns have been filed. ☐ ☐

4. Prepare state and local tax returns and report necessary shareholder information. ☐ ☐

5. Attach extension requests. ☐ ☐

6. Note tax planning/additional service suggestions. ☐ ☐

SHORT VERSION
S CORPORATION INCOME TAX RETURN CHECKLIST
1997 - FORM 1120S

Client Name and Number: _____

Prepared by: _____ Date: _____ Reviewed by: _____ Date: _____

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
100) GENERAL INFORMATION			
101) Review permanent file, prior year returns, workpapers, etc.	_____	_____	_____
102) Review and update the S corporation and shareholder's names, addresses, fiscal year, incorporation date, business code, identification numbers, and IRS and other tax processing centers. Note changes.	_____	_____	_____
103) Consider signed engagement letter.	_____	_____	_____
104) Review computer-generated pro forma/organizer for accuracy.	_____	_____	_____
105) Obtain information concerning IRS, state tax audits and/or correspondence.	_____	_____	_____
106) Inquire whether the S corporation has made or received any below-market-rate loans. If so, determine imputed interest consequences.	_____	_____	_____
107) Review for adequate interest on new or modified debt instrument.	_____	_____	_____
108) If the corporation has selected an allowable fiscal tax year, determine that Form 8716 has been timely filed, and that "required payments" have been made.	_____	_____	_____
109) Determine that accounting methods used are comparable to the preceding year unless changes are approved or required.	_____	_____	_____
110) Ascertain officers' compensation and review for reasonableness.	_____	_____	_____
111) Review and update schedules for carryforward items and effect of prior tax audits.	_____	_____	_____
112) Review financial statements and footnotes for relevant information.	_____	_____	_____
113) Review Board minutes.	_____	_____	_____
114) Consider filing power of attorney.	_____	_____	_____
115) If the corporation owns a QSSS include all activity on the return. (SBJPA 1996)	_____	_____	_____

SHORT VERSION
S CORPORATION INCOME TAX RETURN CHECKLIST
1997-FORM 1120S

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATIONS</u>
200) INCOME			
201) Compare sources and amounts of portfolio income with prior year.	_____	_____	_____
202) Determine that only trade or business (e.g., not portfolio or rental) income is reported on Page 1 of Form 1120S.	_____	_____	_____
203) Review dispositions of property for holding period and federal, state, AMT bases. Consider nonrecognition, gains, losses and recaptures. (SBJPA 1996 and TRA 1997)	_____	_____	_____
204) Consider the following:			
.1) Wash sales.	_____	_____	_____
.2) Sales or exchanges between the corporation and shareholder.	_____	_____	_____
.3) Worthless securities.	_____	_____	_____
.4) At risk rules.	_____	_____	_____
.5) Installment sales and related interest charged on deferred tax.	_____	_____	_____
.6) Discharge of indebtedness.	_____	_____	_____
.7) Tax-exempt income and related interest expense disallowance.	_____	_____	_____
.8) Like-kind exchanges and related party exchanges (Form 8824).	_____	_____	_____
.9) Straddle rules and § 1092 election.	_____	_____	_____
.10) Gains on constructive sales of appreciated financial position. (TRA 1997)	_____	_____	_____
205) Determine that deferred income and expenses for book purposes are properly reported for tax purposes. (SBJPA 1996)	_____	_____	_____
206) If the S corporation has passive income or losses from one or more activities, they may be required to be separately reported on the Schedule K-1 (see Passive Activity Checklist).	_____	_____	_____
207) Consider appropriate income inclusion amount for leased property. (See Vehicle Related Guides).	_____	_____	_____
208) Consider ordinary income on market discount bonds and deferral of related interest expense.	_____	_____	_____

SHORT VERSION
S CORPORATION INCOME TAX RETURN CHECKLIST
1997-FORM 1120S

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATIONS</u>
209) Consider mark to market rules for "dealers in securities" (§ 475).	_____	_____	_____
300) DEDUCTIONS			
301) Identify any nondeductible vacation pay accrual.	_____	_____	_____
302) Consider the uniform capitalization rules.	_____	_____	_____
303) Determine that fringe benefits for more than 2% shareholders have been reported on the recipient shareholders' W-2s (usually non FICA wages) and claimed as a deduction by the S corporation.	_____	_____	_____
304) Inquire whether the S corporation can substantiate by adequate records, as required under § 274, expenses claimed for entertainment, entertainment facilities, gifts, travel and conventions. Consider optional per diem method.	_____	_____	_____
305) Limit deduction for meals and entertainment to allowable percentage. Consider exceptions.	_____	_____	_____
306) Determine the deductibility of club dues.	_____	_____	_____
307) Determine that expenses allocable to portfolio income have not been deducted on Page 1, Form 1120S.	_____	_____	_____
308) Determine that retirement plan contributions are made timely and within allowable limits.	_____	_____	_____
309) Determine that specific charge off method is used for bad debts.	_____	_____	_____
310) Officers and shareholders:			
.1) Determine the ownership of life insurance policies and the proper treatment of related expenses.	_____	_____	_____
.2) Identify expenses, including interest if applicable, for officers' life insurance which are non deductible.	_____	_____	_____
.3) Determine limitation on any losses or accruals of expenses during the year between related corporations/shareholders under § 267(a)(1).	_____	_____	_____
.4) Determine if expenses to shareholders (§ 267(e)) or other related parties on the cash basis were paid by corporation's year end.	_____	_____	_____
.5) Consider reasonableness of compensation to shareholders who perform substantial services.	_____	_____	_____

SHORT VERSION
S CORPORATION INCOME TAX RETURN CHECKLIST
1997-FORM 1120S

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATIONS</u>
311) Determine applicability of 2½ month deferred compensation rule for nonshareholder employees and independent contractors.	_____	_____	_____
312) Verify that the proper allocations have been made dividing interest expense among various types of expenditures.	_____	_____	_____
313) Determine if interest deduction limitations apply to interest incurred to purchase or carry market discount bonds or short-term debt obligations.	_____	_____	_____
314) Consider limitations of deductibility of lobbying expenses/association dues.	_____	_____	_____
315) Consider economic performance requirement and recurring item exceptions.	_____	_____	_____
400) DEPRECIATION/AMORTIZATION			
401) Consider all depreciation requirements and options including:			
.1) § 179 election. (Note new allowable amounts, SBJPA 1996)	_____	_____	_____
.2) Methods and lives.	_____	_____	_____
.3) Requirements relating to listed property.	_____	_____	_____
.4) Determine if leased property should be capitalized.	_____	_____	_____
.5) Consider 36-month depreciation rules for software.	_____	_____	_____
402) Consider AMT depreciation.	_____	_____	_____
403) Determine that amortizable items, including goodwill, are written off over the correct periods.	_____	_____	_____
500) TAX COMPUTATION AND CREDITS			
501) Consider tax on excess net passive income.	_____	_____	_____
502) Consider tax on built-in gain.	_____	_____	_____
503) Consider tax on capital gains.	_____	_____	_____
504) Consider credit recapture.	_____	_____	_____
505) Claim current year estimated tax payments, prior year overpayments applied and extension payments.	_____	_____	_____

SHORT VERSION
S CORPORATION INCOME TAX RETURN CHECKLIST
1997-FORM 1120S

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATIONS</u>
506) Consider requirement for estimated tax payments. (EFTPS)	_____	_____	_____
507) Consider tax credits. (SBJPA 1996 and TRA 1997)	_____	_____	_____
508) If member of a controlled group, attach apportionment schedules.	_____	_____	_____
600) SHAREHOLDER INFORMATION			
601) Shareholder allocation/limitation:			
.1) Determine that items of income, deductions, credits, etc., are allocated to the shareholders on a per-share, per-day basis.	_____	_____	_____
.2) If stock transfers occurred during the year resulting in a termination of a shareholder's interest, consider allocations based on time of actual occurrence. Attach the affected shareholder's and corporation's statement of election. (SBJPA 1996)	_____	_____	_____
602) Shareholder distribution/basis computations:			
.1) Determine that equity increases and decreases (Schedule M) are properly segregated between:			
(a) Accumulated adjustment account.	_____	_____	_____
(b) Other adjustments account.	_____	_____	_____
(c) Shareholders' undistributed PTI.	_____	_____	_____
.2) Determine that distributions exceeding accumulated adjustment account for S corporations with earnings and profits from C years are reported (Form 1099-DIV) to shareholders as dividends to the extent of accumulated earnings and profits. Note current year net reductions are disregarded in this computation. (SBJPA 1996)	_____	_____	_____
.3) For distributions of appreciated property, determine that gain is recognized and allocated to each shareholder.	_____	_____	_____
.4) Consider Shareholder Basis Practice Guide.	_____	_____	_____
700) K-1 INFORMATION			
701) Determine that proper reporting has been provided for all items on Schedule K-1 that affect shareholder's tax liability.	_____	_____	_____
702) Provide information about nontaxable income and nondeductible expenses to enable shareholders to make adjustments to basis of their stock.	_____	_____	_____

SHORT VERSION
S CORPORATION INCOME TAX RETURN CHECKLIST
1997-FORM 1120S

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATIONS</u>
703) Segregate all tax preference and adjustment items and report on the appropriate lines.	_____	_____	_____
704) Determine that information relating to interest expense of debt-financed distributions to shareholders has been provided. (Notice 89-35)	_____	_____	_____
800) OTHER REQUIREMENTS			
801) Consider elections such as:			
.1) Cash vs. accrual.	_____	_____	_____
.2) Amortization of organization expense.	_____	_____	_____
.3) Expense intangible drilling costs.	_____	_____	_____
.4) Method for valuation of inventory.	_____	_____	_____
.5) Ratable accrual of real property taxes (first year only).	_____	_____	_____
.6) Amortization of business start-up costs.	_____	_____	_____
.7) Research and experimental cost.	_____	_____	_____
.8) Exception from economic performance for recurring items (first year only).	_____	_____	_____
802) If the corporation was a party to an "applicable asset acquisition," determine that the reporting requirements have been met (Form 8594).	_____	_____	_____
803) Reconcile income and expenses per books with return.	_____	_____	_____
804) Consider risk of accuracy-related penalty (§ 6662).	_____	_____	_____
805) Prepare state and local tax returns. Furnish necessary information to shareholders. (See Nexus Practice Guide).	_____	_____	_____
806) Attach extension requests.	_____	_____	_____
807) Inquire if employee benefit plans have been reviewed to determine if they are in compliance due to changing corporate circumstances and law changes.	_____	_____	_____
808) Inquire if information returns (1098 and 1099 series) have been filed.	_____	_____	_____
809) Inquire if employment taxes were timely deposited. (EFTPS)	_____	_____	_____

SHORT VERSION
S CORPORATION INCOME TAX RETURN CHECKLIST
1997-FORM 1120S

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR</u> <u>EXPLANATIONS</u>
810) Compare taxable income to projections.	_____	_____	_____
811) Determine that related transactions are properly reported on all available returns.	_____	_____	_____
812) Note tax planning/additional service suggestions.	_____	_____	_____

COMMENTS OR EXPLANATIONS

S CORPORATION INCOME TAX RETURN CHECKLIST
1997 - FORM 1120S

Client Name and Number: _____

Prepared by: _____ Date: _____ Reviewed by: _____ Date: _____

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
100) GENERAL INFORMATION			
101) Review permanent file, prior year returns, memos, workpapers, carryovers and correspondence files.	_____	_____	_____
102) Review the S corporation and shareholder's names, addresses, fiscal year, incorporation date, business code, identification numbers, and IRS and other tax processing centers. Note changes.	_____	_____	_____
103) Consider signed engagement letter.	_____	_____	_____
104) Review computer-generated pro forma/organizer for accuracy.	_____	_____	_____
105) If the S corporation has been examined by the Internal Revenue Service, state or local taxing authority:			
.1) Obtain copies of the revenue agent's reports.	_____	_____	_____
.2) Determine that the agent's adjustments have been entered on the S corporation's records, and appropriate carryover workpapers.	_____	_____	_____
.3) If the agent's adjustments affect income tax returns of years other than those audited, or the corresponding federal or state returns for the same year, consider filing amended returns.	_____	_____	_____
.4) Inquire whether TMP has informed the shareholders of examination by the IRS or state agency.	_____	_____	_____
106) Inquire whether the S corporation has made or received any below-market-rate loans. Determine imputed interest consequences and existence of properly executed note.	_____	_____	_____
107) Review for adequate stated interest on debt instruments:			
.1) Determine whether original issue discount or unstated interest rules require restatement of note interest and principal. (Note new regulations under § 1274.)	_____	_____	_____
.2) Consider election for purchased discount under § 1278.	_____	_____	_____

S CORPORATION INCOME TAX RETURN CHECKLIST

1997 - FORM 1120S

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
108) Review for proper reporting of interest recognition in accordance with Reg. §§ 1.483-4 and 1.1274-5 for debt instruments providing contingent payments.	_____	_____	_____
109) Election/revocation/termination of S status:			
.1) If S status was <u>elected</u> during the current year:			
(a) Confirm that IRS (and state if applicable) approval of the election has been received and is in effect for the current year.	_____	_____	_____
(b) Consider scheduling potential "built-in" gains at date of election.	_____	_____	_____
(c) Consider requesting relief of an invalid election under §§ 1362(b)(5) and 1362(f). (SBJPA 1996)	_____	_____	_____
.2) If the S status was <u>revoked</u> during the current year:			
(a) Confirm that a revocation was properly filed.	_____	_____	_____
(b) Determine whether the revocation is effective for the entire year (if filed within the first 2½ months of the year) or prospectively.	_____	_____	_____
(c) Obtain a copy of IRS approval letter.	_____	_____	_____
.3) Events terminating S status:			
(a) Determine that no disqualifying event has occurred related to excess number of shareholders, prohibited type of shareholder or issuance of a second class of stock. Consider SBJPA 1996 changes regarding number of shareholders, types of shareholders and safe harbor debt.	_____	_____	_____
(b) Determine that termination is not triggered by excess passive income for three consecutive years if corporation has C corporation accumulated earnings and profits. Note passive income exclusion of dividends from 80% or greater subsidiary attributable to E&P derived from an active trade or business. (SBJPA 1996)	_____	_____	_____
.4) If S status was <u>terminated</u> or revoked during the year:			
(a) Verify allocation method - per day basis or actual. More than 50% cumulative change in stock ownership			

S CORPORATION INCOME TAX RETURN CHECKLIST
1997 - FORM 1120S

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
during the year requires actual. If electing actual, match the election and the shareholders' consent.	_____	_____	_____
(b) Consider C corporation estimated tax payments for the succeeding year based on the S corporation's net income.	_____	_____	_____
(c) Consider requesting relief under the "inadvertent termination rule" under § 1362(f). (SBJPA 1996)	_____	_____	_____
110) If the corporation owns a "qualified subchapter S subsidiary" include all assets, liabilities, and items of income, deduction and credits of the QSSS on the return. (SBJPA 1996)	_____	_____	_____
111) If the corporation has selected an allowable fiscal tax year, determine that Form 8716 has been timely filed, and that "required payments" have been made. Note that a copy of Form 8716 must be attached to Form 1120S for the first taxable year for which the election is made.	_____	_____	_____
112) If the corporation is on the cash basis, determine if the accrual basis is required.	_____	_____	_____
113) Determine that accounting methods are comparable to the preceding year unless changes are approved or required.	_____	_____	_____
114) Consider economic performance requirements and recurring item exceptions.	_____	_____	_____
115) Review and update schedules for federal and state carryover items (regular and AMT) such as:			
.1) Prior year deferred deductions.	_____	_____	_____
.2) Installment sales.	_____	_____	_____
.3) Changes in accounting methods requiring § 481 adjustments.	_____	_____	_____
.4) Suspended losses/credits due to at-risk limitations.	_____	_____	_____
.5) Compare losses to basis limitations to determine deductibility of losses; update basis schedules accordingly.	_____	_____	_____
.6) Net unrealized built-in gain.	_____	_____	_____
116) Review financial statements and footnotes for relevant information.	_____	_____	_____
117) Review Board minutes.	_____	_____	_____

S CORPORATION INCOME TAX RETURN CHECKLIST

1997 - FORM 1120S

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
118) Review prior year's return schedule M-1 for items which may have an effect upon or require similar treatment in the current year.	_____	_____	_____
119) Consider filing power of attorney.	_____	_____	_____
120) Determine if the corporation (SBJPA 1996):			
.1) Created a foreign trust.	_____	_____	_____
.2) Transferred property to a foreign trust.	_____	_____	_____
.3) Received distributions, directly or indirectly, from a foreign trust (§ 6048).	_____	_____	_____
.4) Received loans, unless with arms-length terms, from a foreign trust.	_____	_____	_____
.5) Is a beneficiary of a foreign trust and transferred property to a foreign grantor of the trust.	_____	_____	_____
200) INCOME			
201) Compare sources and amounts of portfolio income with prior year.	_____	_____	_____
202) Determine that only trade or business (e.g., not portfolio or rental) income is shown on page 1 of Form 1120S.	_____	_____	_____
203) Determine that installment sales are reported properly.			
.1) Consider related party rules.	_____	_____	_____
.2) Determine that the full amount of depreciation recapture is reported in the year of sale whether or not payment was received in that year.	_____	_____	_____
.3) Review for adequate stated interest on debt instruments received in connection with the sale. Determine whether original issue discount or unstated interest rules require restatement of note interest and principal.	_____	_____	_____
.4) If the taxpayer is a "dealer" with respect to the related property:	_____	_____	_____
(a) Determine that the installment method is <u>not</u> used to report post- December 31, 1987 sales of dealer property. (Exceptions - farm property, certain timeshare rights and residential lots if proper election is made.)	_____	_____	_____

S CORPORATION INCOME TAX RETURN CHECKLIST
1997 - FORM 1120S

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
(b) Determine that the interest owed as a result of an election in (a) above is properly reported. Note that interest calculation is made at shareholder level.	_____	_____	_____
.5) Consider special rules for installment reporting by certain non-dealers of real (post-1986 sales) or personal property (post-1988 sales) where the sales price exceeds \$150,000 (§ 453A). (Does not apply to certain farm property.)	_____	_____	_____
(a) Compute the interest charge imposed on outstanding tax deferred installment obligations if the face amount of these obligations that arose during, and are still outstanding at the close of the tax year exceeds \$5,000,000. Note that the \$5,000,000 threshold test and interest calculation are done at the shareholder level. (Announcement 89-33).	_____	_____	_____
(b) Determine that the proper amount is treated as a collection on any pledged installment obligation.	_____	_____	_____
.6) Consider election out of installment method.	_____	_____	_____
.7) Determine if an event has occurred requiring accelerated recognition of the remaining unreported gain (e.g., resale rule for related parties, cancellation of the installment obligation, disposition of the installment obligation).	_____	_____	_____
204) For disposed property:			
.1) Reconcile to depreciation schedule.	_____	_____	_____
.2) Determine holding period and federal, state, and AMT tax bases.	_____	_____	_____
.3) Determine that gains and losses are properly characterized:			
(a) Ordinary, § 1231, capital.	_____	_____	_____
(b) Long term, short term.	_____	_____	_____
.4) Consider the provisions related to:			
(a) Non-recognition of gain or loss. (Form 8824). Note restrictions on exchange of U.S. property for foreign property. (TRA 1997)	_____	_____	_____
(b) Rules for like-kind and related party exchanges. (Form 8824)	_____	_____	_____

S CORPORATION INCOME TAX RETURN CHECKLIST

1997 - FORM 1120S

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
(c) Recapture of depreciation (including § 291 recapture) and/or tax credit, or reduction of credit carryforwards. Note new § 1245 applications (TRA 1997).	_____	_____	_____
(d) Presumption of capital gain relating to subdivision of land. § 1237 (SBJPA 1996)	_____	_____	_____
(e) Gain from distributions of appreciated property.	_____	_____	_____
(f) Forced sale of livestock on account of weather related conditions.	_____	_____	_____
205) Deferred income and expenses:			
.1) Include in gross income, as appropriate, income deferred for books in the current year.	_____	_____	_____
.2) Exclude from gross income, as appropriate, income for books in the current year that was taken into income for tax in a prior year.	_____	_____	_____
.3) Determine deductibility of prepaid expenses.	_____	_____	_____
206) Review application of the wash sale rules.			
207) Report gains on constructive sales of appreciated financial positions occurring after June 8, 1997. (TRA 1997)	_____	_____	_____
208) Review application of straddle rules and available elections under § 1092.	_____	_____	_____
209) Determine that sales of securities settled after year end, with a trade date within current year, are reported this year. Note special rules for short sales in § 1233.	_____	_____	_____
210) Determine if there were passive activities. Note requirement to group activities. (See Passive Activity Checklist).	_____	_____	_____
211) Inquire if securities held by the S corporation became worthless during the year. Note that substantial worthlessness of short sale property is a gain recognition event. (TRA 1997)	_____	_____	_____
212) Report rental real estate activities on Form 8825.	_____	_____	_____
213) For leased property, calculate the appropriate income inclusion amount to be reported by referring to the IRS tables. (See Vehicle Related Guides).	_____	_____	_____
214) Determine if there is income from discharge of indebtedness.	_____	_____	_____

S CORPORATION INCOME TAX RETURN CHECKLIST
1997 - FORM 1120S

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.1) Consider exclusion and elections under § 108. (Also see proposed amendment to Reg. 1.1017-1)	_____	_____	_____
.2) Consider Form 982.	_____	_____	_____
.3) Review TAM 9423003 and the impact on basis.	_____	_____	_____
215) Consider ordinary income on market discount bonds and deferral of related interest expense.	_____	_____	_____
216) Inquire if the taxpayer engaged in bartering transactions.	_____	_____	_____
217) Consider limitations of losses for transactions with related parties.	_____	_____	_____
218) Consider the mark to market rules for "dealers in securities." Warning: the definition of "dealers in securities" contained in § 475 is not limited to Wall Street brokerage firms. The expansive definition includes many taxpayers involved in lending transactions and various seller financed activities.	_____	_____	_____
.1) Determine that § 475 assets are adjusted to fair market value at the end of the year.	_____	_____	_____
.2) Determine the § 481 adjustment.	_____	_____	_____
.3) Amortize the § 481 adjustment over 5 years (15 years for certain floor specialists and market makers) beginning with the year of change.	_____	_____	_____
.4) Determine if exempt securities were timely identified in taxpayer books and records.	_____	_____	_____
.5) Consider loss limitations for securities not properly identified.	_____	_____	_____
219) If a 1099-OID is received, compute for includible amount.	_____	_____	_____
300) DEDUCTIONS			
301) Review the taxpayer's vacation pay policy to determine if a deduction is allowable on the accrual basis (vested at year end and paid within two and one-half months after year end).	_____	_____	_____
302) Consider applicability of uniform capitalization rules to resellers with annual gross receipts in excess of \$10 million and all producers of property. (Note final regulations related to general rules (§ 1.263A-1), producers (§ 1.263A-2) and resellers (§ 1.263A-3)).	_____	_____	_____
.1) Determine that all costs are included.	_____	_____	_____

S CORPORATION INCOME TAX RETURN CHECKLIST
1997 - FORM 1120S

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.2) Consider interest capitalization rules for debt incurred to produce property.	_____	_____	_____
.3) If the beginning inventory is revalued:			
(a) Ascertain the amount of adjustment required for the beginning inventory due to the change in method of accounting (§ 481).	_____	_____	_____
(b) Ascertain § 481 forward spread period (not to exceed four years).	_____	_____	_____
(c) Determine that Form 3115 is attached to the tax return for the year of change.	_____	_____	_____
(d) Consider electing "simplified" methods.	_____	_____	_____
.4) For farmers and ranchers consider:			
(a) One-time election out of uniform capitalization rules if election was not required in a prior year.	_____	_____	_____
(b) The exemption for expenses incurred in the production of animals.	_____	_____	_____
.5) Review the definition of "produce".	_____	_____	_____
303) Long-Term Contracts			
.1) Determine if the taxpayer is subject to the long-term contract reporting rules requiring that the percentage of completion method, instead of the completed contract method, be used to determine taxable income. Note exceptions for certain qualifying construction contracts and most contracts for the manufacture of property.	_____	_____	_____
.2) In determining whether contracts of the taxpayer are subject to the percentage of completion method of reporting, consider:			
(a) Related party rules.	_____	_____	_____
(b) Contract aggregation rules.	_____	_____	_____
.3) Determine that the percentage of completion is calculated based on costs incurred, not work performed.	_____	_____	_____
.4) Determine that all required costs have been allocated to the contracts. Note the expanded requirement to capitalize costs similar to the uniform capitalization rules.	_____	_____	_____

S CORPORATION INCOME TAX RETURN CHECKLIST

1997 - FORM 1120S

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.5) Consider electing the simplified method of allocating costs, whereby fewer costs are taken into account, to determine the degree of contract completion.	<hr/>	<hr/>	<hr/>
.6) Consider electing the modified percentage of completion method, whereby the recognition of income and accounting for costs is deferred until the first tax year in which at least 10% of the estimated total contract costs have been incurred as of the end of that year. Note that this election is not available if the simplified method above has been elected.	<hr/>	<hr/>	<hr/>
.7) Upon completion of a contract, determine that the "look-back rule" has been applied to compare actual contract price and costs to previously used estimates and pay/claim interest on the related changes in prior years taxes on Form 8697. Note that certain small contracts are not subject to the "look-back rule." See TRA 1997 for changes in interest calculations and election to not apply lookback method.	<hr/>	<hr/>	<hr/>
304) For charitable contributions:			
.1) Inquire if all contributions are to qualified charitable organizations.	<hr/>	<hr/>	<hr/>
.2) Consider the limitation related to contributions of appreciated ordinary income property.	<hr/>	<hr/>	<hr/>
.3) Consider the deduction for more than cost of appreciated capital gains property.	<hr/>	<hr/>	<hr/>
.4) Inquire if adequate contemporaneous documentation was obtained for charitable contributions made of \$250 or more.	<hr/>	<hr/>	<hr/>
.5) Ascertain that minutes document authorization before year end for accrued charitable contributions, and contributions are paid by the 15th day of the 3rd month after the end of the tax year. An election statement and a certified copy of the minutes must be attached to the return.	<hr/>	<hr/>	<hr/>
.6) Determine if Form 8283 is required for non-cash gifts.	<hr/>	<hr/>	<hr/>
305) Inquire if fringe benefits for more than 2% shareholders claimed as deductions by the S corporation have been reported on the recipient shareholders' W-2s as wages subject to income tax.	<hr/>	<hr/>	<hr/>
306) Inquire whether the S corporation can substantiate by adequate records, as required under § 274, expenses claimed for entertainment, entertainment facilities, gifts, travel and conventions. Consider optional per diem method and note limitation on deductibility of			

S CORPORATION INCOME TAX RETURN CHECKLIST

1997 - FORM 1120S

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
certain nonemployee travel expenses. Note \$25 limit on gifts. Note new \$75 substantiation requirement (see Reg. § 1.274-5T(c)(2)(iii)).	_____	_____	_____
307) Limit deduction for meals and entertainment to allowable percentage. Consider exceptions.	_____	_____	_____
308) Determine the deductibility of club dues.	_____	_____	_____
309) Determine that expenses allocable to portfolio income have not been deducted on page 1, Form 1120S.	_____	_____	_____
310) Determine if professional fees and/or employee salaries require capitalization.	_____	_____	_____
311) If taxpayer maintains a profit sharing plan and has not contributed the maximum contribution for each taxable year beginning prior to 1987, calculate the unfunded contribution carryover amount.	_____	_____	_____
312) Determine that specific write-off method is used for bad debts.	_____	_____	_____
313) Review partially worthless debt for write-off under Temp. Reg. § 1.166-3T.	_____	_____	_____
314) Officers and shareholders:			
.1) Determine the ownership of life insurance policies and the proper treatment of related expenses.	_____	_____	_____
.2) Determine deductibility of disability insurance premiums.	_____	_____	_____
.3) If there were any accruals of interest, compensation or other expenses payable to a shareholder or other related parties, determine that for tax purposes the deduction is deferred until the year in which it is includible in income of the shareholder.	_____	_____	_____
.4) Consider if compensation to shareholders who perform substantial services for the corporation was sufficient.	_____	_____	_____
.5) Consider whether there is a potential reasonable compensation issue.	_____	_____	_____
.6) Review documentation of shareholder loans.	_____	_____	_____
315) Determine applicability of 2½ month deferred compensation rule for nonshareholder employees and independent contractors.	_____	_____	_____
316) Interest considerations:			

S CORPORATION INCOME TAX RETURN CHECKLIST

1997 - FORM 1120S

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.1) Treat amortizable bond premium (for bonds acquired after 1987) as an offset to interest income.	_____	_____	_____
.2) Eliminate interest expense on debts with respect to life insurance policies (purchased after June 20, 1986) on current on former beneficial owners and key employees to the extent that the total of such loans exceeds \$50,000. Note phase-in rules under 1996 HIPAA and additional limitations for new or materially changed contracts issued after limitations June 8, 1997. (TRA 1997)	_____	_____	_____
.3) Determine that the proper allocations have been made by type (trade or business, investment, passive activity, tax-exempt expenditures, etc.).	_____	_____	_____
.4) Determine that proper allocation of interest expense has been made if the proceeds of a loan were used for more than one purpose.	_____	_____	_____
.5) Determine if interest deduction limitations apply to interest incurred to purchase or carry market discount bonds or short-term debt obligations.	_____	_____	_____
.6) Determine if there is an allowable interest deduction related to deferred compensation agreements.	_____	_____	_____
.7) Capitalize interest and carrying charges on straddles (§ 263(g)).	_____	_____	_____
.8) Determine if there is nondeductible disqualified debt interest under § 163(1). (TRA 1997)	_____	_____	_____
317) Consider limitations on deducting expenses related to federally tax exempt income. Note that these expenses may be deductible at the state level if the related income is state taxable.	_____	_____	_____
318) Determine that certain lobbying expenses are not deducted. Note exceptions.	_____	_____	_____
319) Inquire if dues include nondeductible lobbying expenses.	_____	_____	_____
320) Determine if compensation deductions are allowable with respect to current or past transfers of property that are no longer subject to a substantial risk of forfeiture (§ 83), or with respect to disqualifying dispositions of stock under incentive stock options (§ 422), or employee stock purchase plans (§ 423).	_____	_____	_____
321) Determine that retirement plan contributions have been calculated using the eligible compensation limit and were timely made. Obtain	_____	_____	_____

S CORPORATION INCOME TAX RETURN CHECKLIST
1997 - FORM 1120S

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
a listing of dates and amounts of payments. Note repeal of the family aggregation rules. (SBJPA 1996)	_____	_____	_____
322) Determine if deductions should be reduced by credits claimed.	_____	_____	_____
323) Determine proper treatment of environmental clean-up expenses. Note new expense election. (TRA 1997)	_____	_____	_____
324) Determine whether inventory write-down for book purposes should be adjusted for tax. Note TRA 1997 allows estimated inventory shrinkage.	_____	_____	_____
325) Determine proper treatment for long-term leases where leases provide for deferred payments or increasing payments under § 467. Also see proposed Reg. 1.467.	_____	_____	_____
400) DEPRECIATION/AMORTIZATION			
401) For assets placed in service during the current year:			
.1) Consider § 179 election to expense qualifying assets. Note new allowable amounts. (SBJPA 1996)	_____	_____	_____
.2) Consider § 179A election to expense qualifying clean-fuel vehicles and related refueling property placed in service after June 30, 1993.	_____	_____	_____
.3) Determine the depreciable basis of each asset.	_____	_____	_____
.4) Determine the property class, recovery period and depreciation method for each asset. Note new limitations on property qualifying for income forecast method and designated lives of rent-to-own property. (TRA 1997)	_____	_____	_____
.5) Determine the applicable convention (half-year, mid-quarter or mid-month).	_____	_____	_____
.6) Determine that the cost of leasehold improvements is being recovered over the applicable recovery period, regardless of the lease period.	_____	_____	_____
.7) Consider 36-month depreciation rules for software.	_____	_____	_____
.8) Consider reduced depreciable lives for real estate improvements and special use structure.	_____	_____	_____
.9) Consider electing the Alternative Depreciation System (straight line over an ADS recovery period) for qualifying General Depreciation System property.	_____	_____	_____

S CORPORATION INCOME TAX RETURN CHECKLIST
1997 - FORM 1120S

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.10) For farming, determine that MACRS is applied using 150% DB. Note ADS required if elected out of § 263A.	_____	_____	_____
.11) If property is leased to a tax-exempt entity, consider the possible need to use the ADS.	_____	_____	_____
.12) Consider depreciation limitations for IDB financed property, and certified historic structures for which a tax credit was taken.	_____	_____	_____
.13) If a short year, determine that Rev. Proc. 89-15 is followed.	_____	_____	_____
.14) If there has been a purchase price adjustment, see Prop. Reg. § 1.168-2 (d)(3).	_____	_____	_____
.15) Determine if interest is payable under look-back method where income forecast depreciation method is used (SBJPA 1996). Note interest calculation change. (TRA 1997)	_____	_____	_____
.16) Consider accelerated depreciation for qualifying property located on Indian reservations.	_____	_____	_____
402) Determine that amortizable items, including goodwill, are written off over the correct periods.	_____	_____	_____
403) Consider the provision of Rev. Proc. 96-31 to rectify prior year claims of less than allowable depreciation or amortization.	_____	_____	_____
404) Determine if leased property/equipment should be capitalized.	_____	_____	_____
405) Consider anti-churning rules.	_____	_____	_____
406) For listed property (e.g., cellular phones, autos, computers, airplanes, boats):			
.1) For autos, consider the maximum allowable under the luxury auto rules. Note TRA 1997 exceptions for clean living and electric vehicles.	_____	_____	_____
.2) For autos, determine limitation if the business usage is 50% or less.	_____	_____	_____
.3) Determine limitations for all other mixed-use property, if the business usage is 50% or less.	_____	_____	_____
.4) Inquire if the taxpayer has kept the required records indicating the business and personal use of property.	_____	_____	_____
5) Determine recapture if the business usage is 50% or less.	_____	_____	_____

S CORPORATION INCOME TAX RETURN CHECKLIST
1997 - FORM 1120S

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
407) Form 4562 (if required):			
.1) Reconcile depreciation expense to supporting schedules.	_____	_____	_____
.2) Complete questions regarding personal use of listed property.	_____	_____	_____
.3) If the costs were incurred during the current year, determine that amortizable items are separately stated and the proper Code section cited.	_____	_____	_____
408) Consider state depreciation, if different.	_____	_____	_____
409) Consider federal and state AMT depreciation.	_____	_____	_____
410) Make adjustments for depreciable assets which are demolished, obsolete, abandoned and/or out of service. Consider credit recapture.	_____	_____	_____
 500) TAX COMPUTATION AND CREDITS			
501) Tax on excess net passive income:			
.1) Determine if passive investment income is greater than 25% of gross receipts and the S corporation has earnings and profits from any C years. Note passive income exclusion of dividends from an 80% or greater subsidiary attributable to E&P from an active trade or business. (SBJPA 1996)	_____	_____	_____
.2) Consider election to designate distributions as deemed out of earnings and profits. (§ 1368(e)(3)).	_____	_____	_____
.3) Consider election to forego previously taxed income. (§ 1.1368-1(f)(4))	_____	_____	_____
502) Tax on "built-in" gains - applies to prior C corporations that filed S status election subsequent to 1986. Consider the following:			
.1) Compute tax at maximum corporate rate for the net recognized gains for the taxable years (not to exceed Subchapter C taxable income as adjusted) on the disposition of assets. (§ 1374).	_____	_____	_____
.2) If S election was made after March 30, 1988, determine built-in gain carryover, if applicable.	_____	_____	_____
.3) Consider tax on capital gains.	_____	_____	_____
.4) Gasoline and special fuel credits as well as the following carryforwards from C years may be used to reduce built-in gains tax:			

S CORPORATION INCOME TAX RETURN CHECKLIST
1997 - FORM 1120S

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
(a) Net operating loss.	_____	_____	_____
(b) Capital losses.	_____	_____	_____
(c) Business credits.	_____	_____	_____
(d) Minimum tax credits.	_____	_____	_____
503) Consider tax on LIFO recapture for C corporations electing S status.	_____	_____	_____
504) Consider tax payable by the corporation from recomputing a prior year investment tax credit as a result of the early disposition of assets acquired in C corporation years.	_____	_____	_____
505) Confirm the amounts and dates of any federal, state and local estimated tax deposits for the year, prior year overpayments applied, backup withholding and extension payments.	_____	_____	_____
506) Consider federal and state estimated tax requirements and related electronic filing requirements.	_____	_____	_____
507) Determine if the corporation is eligible for tax credits such as:			
.1) Foreign tax credit. (Form 1118)	_____	_____	_____
.2) Investment tax credit (rehabilitation and transition, energy and reforestation). (Form 3468)	_____	_____	_____
.3) Credit for increasing research activities. See TRA 1997 for extension through June 30, 1998. (Form 6765)	_____	_____	_____
.4) Enhanced oil recovery credit. (Form 8830)	_____	_____	_____
.5) Credit for producing fuels from nonconventional source.	_____	_____	_____
.6) Gasoline and special fuels credit. (Form 4136)	_____	_____	_____
.7) Low income housing credit. (Form 8586)	_____	_____	_____
.8) Disabled access credit. (Form 8826)	_____	_____	_____
.9) Qualified electric vehicle credit. (Form 8834)	_____	_____	_____
.10) Renewable electricity production credit. (Form 8835)	_____	_____	_____
.11) Credit for employer social security taxes paid on certain employee cash tips. (Form 8846) See SBJPA 1996 for changes.	_____	_____	_____

S CORPORATION INCOME TAX RETURN CHECKLIST
1997 - FORM 1120S

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.12) Credit related to wage and health insurance costs for qualified Indian employees. (Form 8845)	_____	_____	_____
.13) Credit for contributions to certain community development corporations. (Form 8847)	_____	_____	_____
.14) Credit for alcohol used as fuel. (Form 4136)	_____	_____	_____
.15) Empowerment zone employment credit. (Form 8844)	_____	_____	_____
.16) Work Opportunity Credit for eligible employees who begin work after September 30, 1996 and before July 1, 1998 (SBJPA 1996 and TRA 1997). (Form 5884)	_____	_____	_____
.17) Credit for qualified clinical testing expenses (Orphan Drug Credit), and associated carrybacks and carryovers. (SBJPA 1996) Note permanently extended under TRA 1997. (Form 8820)	_____	_____	_____
508) If taxpayer is part of a controlled group, consider special allocation rules under §§ 1561 and 1563. Attach apportionment schedules.	_____	_____	_____
600) SHAREHOLDER INFORMATION			
601) Shareholder allocation/limitation:			
.1) Determine that items of income, deductions, credits, etc., are allocated to the shareholders on a per-share, per-day basis.	_____	_____	_____
.2) If stock transfers occurred during the year which resulted in a termination of a shareholder's interest, consider allocations based on time of actual occurrence. Attach the affected shareholders' and corporation's statement of election. (SBJPA 1996)	_____	_____	_____
602) Shareholder distribution/basis computations:			
.1) Determine that equity increases and decreases (Schedule M) are properly segregated among:			
(a) Accumulated adjustment account.	_____	_____	_____
(b) Other adjustment account.	_____	_____	_____
(c) Shareholders undistributed PTI.	_____	_____	_____
.2) Determine that distributions exceeding the accumulated adjustment account for S corporations with earnings and profits from C years are reported (Form 1099-DIV) to			

S CORPORATION INCOME TAX RETURN CHECKLIST
1997 - FORM 1120S

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
shareholders as dividends to the extent of accumulated earnings and profits. Note that current year net reductions are disregarded in this computation. (SBJPA 1996)	_____	_____	_____
.3) Determine that gain is recognized and allocated to each shareholder for distribution of appreciated property.	_____	_____	_____
603) Consider Shareholder Basis Practice Guide.	_____	_____	_____
700) K-1 INFORMATION			
701) Determine that proper reporting and separate stating have been provided for all appropriate items such as:			
.1) Ordinary trade or business activities.	_____	_____	_____
.2) Rental activities.	_____	_____	_____
.3) Portfolio income and related deductions.	_____	_____	_____
.4) Gains and losses, dates of dispositions, respective holding periods and type of assets sold. (TRA 1997)	_____	_____	_____
.5) Passive activity data (note elections). See Passive Activity Checklist.	_____	_____	_____
.6) Self-charged interest. Note Prop. Reg. § 1.469-7 allowing for possible recharacterization of interest income. (See Passive Activity Checklist.)	_____	_____	_____
.7) All items that affect shareholder basis calculations (e.g., nondeductible items and nontaxable income).	_____	_____	_____
.8) Charitable contributions including copy of Form 8283 when required.	_____	_____	_____
.9) Shareholder loan repayments.	_____	_____	_____
.10) Distributions.	_____	_____	_____
.11) At risk information.	_____	_____	_____
.12) Credit information.	_____	_____	_____
.13) Interest incurred in the production of property that may have to be capitalized at the shareholder level (Notice 88-99).	_____	_____	_____
.14) Other passthrough items (e.g., intangible drilling costs, depletion).	_____	_____	_____

S CORPORATION INCOME TAX RETURN CHECKLIST
1997 - FORM 1120S

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.15) Tax shelter registration number and Form 8271 when required.	_____	_____	_____
.16) State allocation of income, deductions and credits.	_____	_____	_____
702) Segregate tax preference and adjustment items and report on the appropriate lines.	_____	_____	_____
703) Prepare schedules that reflect information to allow each shareholder to compute credit recapture.	_____	_____	_____
704) Determine that information relating to interest expense on debt-financed distributions to shareholders has been provided (Notice 89-35).	_____	_____	_____
800) OTHER REQUIREMENTS			
801) Consider elections and statements such as:			
.1) Election to amortize organization expense.	_____	_____	_____
.2) Election to amortize business start-up costs.	_____	_____	_____
.3) Election to expense intangible drilling costs.	_____	_____	_____
.4) Cash vs. accrual method.	_____	_____	_____
.5) Section 351, statement of transferred assets.	_____	_____	_____
.6) Method for valuation of inventory.	_____	_____	_____
.7) Research and experimental cost election.	_____	_____	_____
.8) Exception from economic performance for recurring items. Under final regulations, the election for any item(s) incurred for the first time is made by accounting for the item(s) under the recurring method on a timely filed tax return.	_____	_____	_____
.9) If a distribution or technical termination has occurred in a partnership consider both the new allocation of basis rules under § 732(c) (TRA 1997) and making a § 732(d) election. Note exceptions for post May 9, 1997 technical terminations. Reg. 1.708-1	_____	_____	_____
.10) If this is the first year the taxpayer has incurred real property taxes, determine if a § 461(c) election to accrue ratably is more beneficial than adopting the recurring item exception. (Rev. Proc. 92-28).	_____	_____	_____

S CORPORATION INCOME TAX RETURN CHECKLIST
1997 - FORM 1120S

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.11) Consider the option to treat current year qualifying disaster losses on appropriate preceding year tax return.	_____	_____	_____
.12) Change of accounting method application/approval.	_____	_____	_____
802) Determine if expenditures were incurred that are eligible for the Disabled Access Credit (Form 8826). If the taxpayer does not qualify for the credit or has expenditures in excess of the credit, consider making a § 190 election to expense the cost.	_____	_____	_____
803) Cross reference the following items:			
.1) Schedule L beginning balances to prior year's ending balances.	_____	_____	_____
.2) Schedule M beginning equity accounts to prior year's ending balance.	_____	_____	_____
.3) Detail listings of Schedule L beginning balances to prior year's detail listings of ending balances.	_____	_____	_____
804) If the corporation was a party to an "applicable asset acquisition" (transfer of assets that constitute a trade or business), determine that applicable reporting requirements regarding allocation of purchase price have been met. (Form 8594)	_____	_____	_____
805) Determine that book/tax accounting method differences related to Schedule M are documented in the workpaper files.	_____	_____	_____
806) Consider § 6662 accuracy-related penalty. If this penalty could result from any income, deduction loss or credit item which causes a substantial change in the shareholder's return and causes the preparer to rise to the level of preparer of the shareholder's return:			
.1) Consider if substantial authority exists for the item in question. If not, consider disclosure (Form 8275 or 8275R).	_____	_____	_____
.2) Consider advising the taxpayer, in writing, of the penalty.	_____	_____	_____
807) Prepare state and local tax returns (see Nexus Practice Guide). Consider:			
.1) Recognition of "S" status.	_____	_____	_____
.2) State modification requirements.	_____	_____	_____
.3) State withholding requirements on income allocated to non-resident shareholders.	_____	_____	_____

S CORPORATION INCOME TAX RETURN CHECKLIST
1997 - FORM 1120S

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.4) Information to allow shareholder to file the necessary state tax returns.	_____	_____	_____
.5) Composite filing on behalf of nonresident shareholders.	_____	_____	_____
.6) Compile apportionment data for multistate taxpayer.	_____	_____	_____
808) Attach extension requests.	_____	_____	_____
809) Complete and attach Form 5452 to report nondividend distribution (i.e., distributions in excess of earnings and profit).	_____	_____	_____
810) Inquire if the corporate minute book has been updated.	_____	_____	_____
811) Inquire if the required 5500 series forms have been filed for retirement plans covered by this period.	_____	_____	_____
812) Inquire if the required 5500 series forms have been filed for cafeteria plans and welfare benefit plans (e.g., medical benefits, life insurance, disability or death benefit plans that have more than 100 participants).	_____	_____	_____
813) Advise the S corporation that any unpaid retirement plan contribution must be made before the due date of the return including extension.	_____	_____	_____
814) Information returns:			
.1) Inquire whether the S corporation has filed all required information returns (1098 and 1099 series) and whether the value of the personal use of employer property, expense reimbursements under "unaccountable plans," and 401(k) deferred compensation information has been included in employees' W-2s.	_____	_____	_____
.2) Inquire if the taxpayer has complied with magnetic media filing requirements for 1099s and W-2s.	_____	_____	_____
.3) Inquire if additional items subject to employer FICA such as 401(k) deferrals, employer provided excess group term life insurance, all cash tips, etc., have been properly reported.	_____	_____	_____
.4) Determine that reimbursement of employee moving expenses are properly reported.	_____	_____	_____
.5) Inquire whether club dues, spouse travel, etc., is treated as compensation and included on employee's W-2.	_____	_____	_____
.6) Consider filing information returns relating to foreign partnerships and corporations. (TRA 1997)	_____	_____	_____

S CORPORATION INCOME TAX RETURN CHECKLIST
1997 - FORM 1120S

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
815) Inquire as to whether employment taxes were timely deposited. (EFTPS)	_____	_____	_____
816) Compare net income or loss to projections.	_____	_____	_____
817) Determine that related party transactions are properly reported on all available returns.	_____	_____	_____
818) Consider informing client of requirement to file Form 8300 for certain payments received exceeding \$10,000.	_____	_____	_____
819) Determine if Form TD F 90-22.1 is needed to report foreign financial accounts.	_____	_____	_____
820) If the S corporation is a partner in a partnership, consider § 465 at risk and/or § 704(d) basis rules.	_____	_____	_____
821) If the corporation sells an interest in a partnership that has § 751(a) assets, attach the required statement under Reg. § 1.751-1(a)(3).	_____	_____	_____
822) Note tax planning/additional service suggestions.	_____	_____	_____

COMMENTS OR EXPLANATIONS

EMPLOYEE BENEFIT PLAN RETURN/REPORT CHECKLIST
1997 - FORM 5500 SERIES

Client Name and Number: _____

Prepared by: _____ Date: _____ Reviewed by: _____ Date: _____

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
100) GENERAL INFORMATION			
101) Verify if the current plan document is on file. Note the date of the latest amendment to the plan and the date of the latest plan document restatement.	_____	_____	_____
102) Verify that plan documents and amendments were signed and approved by proper persons, noting signature date.	_____	_____	_____
103) Review the plan sponsor/employer name, address, plan year, identification number, telephone number, business code, and CUSIP number. Note changes.	_____	_____	_____
104) Review the name, address, identification number and telephone number of the plan administrator if they are different from those of the plan sponsor. Note changes.	_____	_____	_____
105) Verify that a copy of IRS determination letter (if applicable) is on file. Determine whether any plan amendments have been adopted since the date of the latest determination letter.	_____	_____	_____
106) Review prior year returns, review memos, workpapers and correspondence files.	_____	_____	_____
107) Review plan name, effective date, plan number; determine if the plan name as shown on the plan document is the same as shown on Form 5500 for the prior year.	_____	_____	_____
108) If the plan is a pension benefit plan and has been examined by the Internal Revenue Service or Department of Labor:			
.1) Obtain copies of the examination report.	_____	_____	_____
.2) Verify that examination adjustments have been entered on the plan's records.	_____	_____	_____
.3) If any examination adjustments affect the sponsor's income tax returns, consider preparation of amended returns for all tax years affected, or advise preparer of recommended change.	_____	_____	_____

EMPLOYEE BENEFIT PLAN RETURN/REPORT CHECKLIST
1997 - FORM 5500 SERIES

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
109) If the plan sponsor has changed its tax year-end, determine if the plan year has been, or should be, changed to correspond to the sponsor's new tax year.	_____	_____	_____
110) Determine if the employer is a member of a controlled group of corporations or a member of a group of businesses under common control.	_____	_____	_____
111) Determine if the plan is subject to the multiemployer or multiple employer plan filing requirements.	_____	_____	_____
112) Review the plan document or summary plan description to identify benefits provided by or allowed under the plan (i.e., welfare benefits, fringe benefits, or pension benefits, participant-directed account plans, master trust, or cash or deferred arrangements).	_____	_____	_____
113) Inquire if administrator of a pension benefit plan has a file of beneficiary designations and participant and spousal consent forms for benefit options. (I.R.C. § 417(e))	_____	_____	_____
114) Determine whether there are reporting requirements for investment arrangements filing directly with the Department of Labor:			
.1) Common/Collective Trust or Pooled Separate Account.	_____	_____	_____
.2) Master Trust.	_____	_____	_____
.3) 103-12 Investment Entity.	_____	_____	_____
115) Determine whether the plan holds assets that have a fair market value that is not readily determinable and, if so, whether an appraisal by an independent third party appraiser is appropriate.	_____	_____	_____
200) DETERMINE THE APPROPRIATE FORMS TO FILE			
201) Determine if the plan qualifies for exclusion from filing. Consider Department of Labor notification.	_____	_____	_____
202) If required to file, determine which one of the following to file:			
.1) Form 5500	_____	_____	_____
.2) Form 5500-C (first and final year and every third year)	_____	_____	_____
.3) Form 5500-R (can not be used if this is the plan's first or final year)	_____	_____	_____

EMPLOYEE BENEFIT PLAN RETURN/REPORT CHECKLIST
1997 - FORM 5500 SERIES

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.4) Form 5500-EZ.	_____	_____	_____
203) Determine if additional forms are required or would be beneficial such as:			
.1) Schedule A - Insurance Information.	_____	_____	_____
.2) Schedule B - Actuarial Information.	_____	_____	_____
.3) Schedule C - Service Provider and Trustee Information.	_____	_____	_____
.4) Schedule E - ESOP Annual Information.	_____	_____	_____
.5) Schedule F - Fringe Benefit Plan Annual Info Return.	_____	_____	_____
.6) Schedule G - Financial Schedules.	_____	_____	_____
.7) Schedule P - Annual Return of Fiduciary of Employee Trust.	_____	_____	_____
.8) Schedule SSA - Annual Registration Statement Identifying Separated Participants with Deferred Vested Benefits.	_____	_____	_____
204) Determine if other attachments are required, such as:			
.1) Accountant's opinion, financial statements.	_____	_____	_____
.2) Form 5558 - Extension of Time to File (or sponsor's income tax extension form if the automatic extension provisions apply).	_____	_____	_____
.3) Department of Labor filing attachments.	_____	_____	_____
205) Determine that Pension Benefit Guaranty Corporation Form 1 has been filed for a defined benefit pension plan.	_____	_____	_____
.1) Determine the appropriate plan year for which the filing is made (Form 1 is filed for the current year; Form 5500 for the preceding plan year).	_____	_____	_____
.2) Determine the due dates for Form 1 and for installment premium payments.	_____	_____	_____
.3) Determine if plan is subject to variable rate premiums.	_____	_____	_____

EMPLOYEE BENEFIT PLAN RETURN/REPORT CHECKLIST
1997 - FORM 5500 SERIES

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
300) SPECIFIC PLAN CHARACTERISTICS			
ALL PLANS			
301) Ascertain the plan's funding and benefit arrangements.	_____	_____	_____
302) Determine if the plan was established pursuant to one or more collective bargaining agreements, and if so, enter the appropriate six-digit LM number(s).	_____	_____	_____
303) Determine if the plan is subject to bonding requirements, and if so, the amount of fidelity bond covering the plan and the name of the bonding surety company.	_____	_____	_____
304) Determine if any person who rendered services to the plan received \$5000 or more in compensation from the plan during the plan year, and if so, complete Schedule C.	_____	_____	_____
305) Determine if any service provider was terminated during the plan year, and if so, provide the necessary information on Schedule C.	_____	_____	_____
306) Consider preparing Schedule G if during the plan year the plan:			
.1) Had assets held for investment purposes, including those both acquired and disposed of within the plan year.	_____	_____	_____
.2) Had loans or fixed income obligations in default or that were considered uncollectible.	_____	_____	_____
.3) Had leases that were in default or that were considered uncollectible.	_____	_____	_____
.4) Had transactions or a series of transactions in excess of 5% of the current value of plan assets.	_____	_____	_____
.5) Engaged in nonexempt transactions with parties-in-interest.	_____	_____	_____
307) Determine if the plan acquired individual whole life contracts during the plan year.	_____	_____	_____
PENSION BENEFIT PLANS ONLY			
308) Determine coverage requirements.			
.1) Review the plan's § 410 coverage information.	_____	_____	_____

EMPLOYEE BENEFIT PLAN RETURN/REPORT CHECKLIST
1997 - FORM 5500 SERIES

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
(a) Determine that either the ratio percentage test or the average benefit test has been passed, or that an exception applies.	_____	_____	_____
(b) Determine if the plan is passing coverage under the substantiation guidelines. If the coverage test date is the last day of the plan year, verify that the figure for employees participating at the end of the plan year is consistent with the year-end participant figure in the participant census question.	_____	_____	_____
(c) Determine if all employees of the sponsor are included as the starting point for testing purposes.	_____	_____	_____
(d) Determine whether any employees may be excluded from testing consideration due to:			
(i) their failure to meet the plan's age or service requirements;	_____	_____	_____
(ii) their being collectively bargained employees;	_____	_____	_____
(iii) their being nonresident aliens who received no earned income from United States sources; or	_____	_____	_____
(iv) their having terminated after working less than 500 hours during the plan year.	_____	_____	_____
(e) Assure that leased employees have been properly considered.	_____	_____	_____
(f) Determine whether highly compensated employees have been properly identified.	_____	_____	_____
.2) Determine if separate lines of business, aggregation, disaggregation, or restructuring rules apply.	_____	_____	_____
309) Determine if the plan contains a cash or deferred arrangement.	_____	_____	_____
310) Determine if the plan is integrated with social security or railroad retirement, and if so, determine that permitted disparity requirements have been met.	_____	_____	_____
311) Determine if the plan was involved in a merger or consolidation into another plan or an asset or liability transfer during the plan year. If so:			

EMPLOYEE BENEFIT PLAN RETURN/REPORT CHECKLIST
1997 - FORM 5500 SERIES

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.1) Determine the name of the other plan(s) involved, the EI number of the sponsor(s) and the plan number(s); and	_____	_____	_____
.2) Determine whether Form(s) 5310-A was filed.	_____	_____	_____
312) Determine if the plan was top-heavy at any time during the last five plan years:			
.1) Determine whether key employees have been properly identified.	_____	_____	_____
.2) Determine whether the family aggregation rules have been applied properly.	_____	_____	_____
.3) If the plan is top-heavy, determine whether top-heavy minimum benefit provisions and top-heavy vesting requirements have been applied properly.	_____	_____	_____
313) Determine that annual compensation of each participant taken into account does not exceed current year limitation.	_____	_____	_____
314) Determine if the employer/sponsor maintains other qualified pension benefit plans.	_____	_____	_____
315) Determine if the plan is a master, prototype or regional prototype plan.	_____	_____	_____
316) Determine the number of participants as follows:			
.1) Fully vested, partially vested and non-vested.	_____	_____	_____
.2) Retired or separated receiving benefits or entitled to future benefits.	_____	_____	_____
.3) Deceased participants whose beneficiaries are receiving or are entitled to receive benefits.	_____	_____	_____
.4) Participants with account balances.	_____	_____	_____
.5) Participants who terminated employment before fully vested.	_____	_____	_____
 400) REPORTING FINANCIAL ACTIVITY			
ALL PLANS			
401) Determine if the plan generates \$1,000 or more of unrelated business income and must file Form 990T. Inquire whether unrelated business			

EMPLOYEE BENEFIT PLAN RETURN/REPORT CHECKLIST
1997 - FORM 5500 SERIES

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
income has been earned by a pass-through entity in which the plan has invested.	_____	_____	_____
402) Determine if the plan is required to file information returns for distributions, retirement pay or P.S. 58 costs.	_____	_____	_____
PENSION BENEFIT PLANS ONLY			
403) Prepare a reconciliation of contributions made to a qualified retirement plan, deductions claimed on the sponsor's income tax return, and contributions recorded by the plan according to the trustee's records.	_____	_____	_____
404) Identify contributions (designated as contributions for the plan year) made after the plan year end, but before the due date of the employer's income tax return, including extensions of time to file.	_____	_____	_____
405) In the case of a defined benefit plan:			
.1) Review Schedule B and determine whether there is a funding deficiency, and if so, advise the plan sponsor.	_____	_____	_____
.2) Confirm that the contributions shown on Schedule B correspond to the contributions made for the plan year.	_____	_____	_____
406) Prepare Form 5330 (relating to excise tax) if there is an accumulated funding deficiency or a nondeductible contribution to a qualified plan.	_____	_____	_____
407) Determine if there has been any reversion of plan assets to the employer, and if so, prepare Form 5330.	_____	_____	_____
408) Determine whether immediate distributions to plan participants and beneficiaries are in compliance with the \$3,500 (\$5,000 for plan years beginning after August 5, 1997) <i>de minimis</i> rules and related plan provisions.	_____	_____	_____
409) Determine that contributions made or benefits accrued during the plan year are in compliance with I.R.C. § 415 limits.	_____	_____	_____
410) Determine if the plan has made distributions of benefits to participants and beneficiaries as prescribed by the minimum distribution requirements of I.R.C. § 401(a)(9).	_____	_____	_____
411) Determine that, in the case of plan distributions with respect to married participants, the joint and survivor annuity requirements and preretirement survivor annuity requirements of I.R.C. §§ 401(a)(11) and 417 have been met.	_____	_____	_____

EMPLOYEE BENEFIT PLAN RETURN/REPORT CHECKLIST
1997 - FORM 5500 SERIES

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
412) Determine that written explanations regarding rollover-eligible distributions have been provided in accordance with I.R.C. § 402(f).	_____	_____	_____
413) Determine that income tax withholding requirements of I.R.C. § 3405 (and applicable state or local income tax withholding requirements) have been met with respect to distributions not rolled over to an eligible retirement plan, and that Form 945 has been filed.	_____	_____	_____
414) Determine if refunds of contributions were required to pass the ADP/ACP test.	_____	_____	_____
.1) If so, determine if they were made within two and one half months after the close of the plan year.	_____	_____	_____
.2) If not, prepare Form 5330.	_____	_____	_____
 500) PENALTIES			
501) Determine the correct due date of the return. Failure to timely file a return is subject to a penalty of \$25 per day (up to \$15,000).	_____	_____	_____
502) Consider other applicable penalties, such as:			
.1) Failure to file a registration statement (Schedule SSA) (\$1 per day up to \$5,000).	_____	_____	_____
.2) Failure to file an actuarial statement (Schedule B) (\$1,000).	_____	_____	_____
.3) Failure to file a complete return, such as failure to complete all applicable information (up to \$1,000 per day).	_____	_____	_____
.4) Failure to report a change of plan status (\$1 per day up to \$1,000).	_____	_____	_____
 600) OTHER REQUIREMENTS			
601) Consider notifying the Plan Administrator of requirements related to:			
.1) Distribution to participants of an appropriate summary annual report.	_____	_____	_____
.2) The availability of the current summary plan description and distribution to participants on a timely basis.	_____	_____	_____
.3) Preparation and distribution of the statements of participants' accrued benefits.	_____	_____	_____

EMPLOYEE BENEFIT PLAN RETURN/REPORT CHECKLIST
1997 - FORM 5500 SERIES

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.4) Preparation and distribution of statements of deferred vested benefits to separated employees.	_____	_____	_____
602) If the employer maintains a profit-sharing plan or stock bonus plan and has not made the maximum contribution for each year, calculate the unfunded pre-1987 contribution carryforward amount.	_____	_____	_____
603) In the case of a qualified plan with loan provisions, ascertain that all loans were made in accordance with plan provisions, and in particular were in compliance with:			
.1) the five year requirement (I.R.C. § 72(p)(2)(B));	_____	_____	_____
.2) the dollar limitations (I.R.C. § 72(p)(2)(A));	_____	_____	_____
.3) the quarterly amortization requirement (I.R.C. § 72(p)(2)(C));	_____	_____	_____
.4) the spousal consent requirement (I.R.C. § 417(a), ERISA § 205(c), Reg. § 1.401(a)-20, Q&A 24);	_____	_____	_____
.5) the reasonably equivalent availability requirement (I.R.C. § 4975 (d)(1)(A), ERISA § 408(b)(1)(A));	_____	_____	_____
.6) the reasonable rate of interest requirement (I.R.C. § 4975(d)(1)(D), ERISA § 408(b)(1)(D)); and	_____	_____	_____
.7) the adequate security requirement (I.R.C. § 4975(d)(1)(E), ERISA § 408(b)(1)(E)).	_____	_____	_____
604) Determine that plan loans were not made to sole proprietors, certain partners or shareholders unless the nondiscrimination requirements are met. (I.R.C. § 4975)	_____	_____	_____

COMMENTS OR PLANNING

STATE INDIVIDUAL INCOME TAX RETURN CHECKLIST
1997

Client Name and Number: _____

Prepared by: _____ Date: _____ Reviewed by: _____ Date: _____

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
100) GENERAL INFORMATION			
101) Obtain information concerning state tax audits and correspondence.	_____	_____	_____
102) If a federal audit has been settled, notify states properly.	_____	_____	_____
103) Determine if the client has sufficient connection with any other state that may require an income and/or franchise tax return (i.e., through the ownership of property, S corporation stock, partnership interests, etc.) Note that requirements for filing a franchise tax return may differ from requirements for filing an income tax return. If multistate, see items under 500) below.	_____	_____	_____
104) Consult the <i>State Tax Return Preparation Guide For All States' INDIVIDUAL State Tax Returns</i> (also in this AICPA Tax Practice Guides and Checklists publication package) for common problems and unique tax issues for each state tax return to be prepared.	_____	_____	_____
105) Obtain and review information related to state statutory, regulatory or administrative changes since the filing of the prior return.	_____	_____	_____
106) Review prior year returns.	_____	_____	_____
107) Check the client's filing status for state purposes and any benefit from separate spousal income calculations where available.	_____	_____	_____
200) INCOME			
201) If the state piggybacks on the federal return, transfer income information from the federal return.	_____	_____	_____
202) Determine interest and dividends from bonds that are exempt from federal tax for possible add back. Check for possible offset of direct expenses against the tax-exempt income.	_____	_____	_____
203) Determine each state's tax-exempt interest and dividends for possible deduction (i.e., home state interest if all states' interest was added back in item 202) above). Check for possible offset of direct expenses against the tax-exempt income.	_____	_____	_____
204) Determine interest and dividends from U. S. government obligations for deduction. Check for possible offset of direct expenses against the tax-exempt income.	_____	_____	_____
205) Check for any other income taxable on the state return that was not taxed on the federal return.	_____	_____	_____

STATE INDIVIDUAL INCOME TAX RETURN CHECKLIST
1997

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
206) Check for any income taxable on the federal return that may not be taxable on the state return (e.g., pensions, IRAs, state tax refund, Social Security, lottery winnings).	_____	_____	_____
207) Check for the client's qualification for any special income exclusion programs (e.g., senior citizen, low income, military).	_____	_____	_____
300) DEDUCTIONS			
301) Determine the state's treatment of standard or itemized deductions and personal exemptions.	_____	_____	_____
302) Determine any differences between federal and state deductions (e.g., IRA, SEP, Keogh, state tax deduction, federal tax deduction, NOLs).	_____	_____	_____
303) Determine the client's qualification for any special state deduction program (e.g., adoption of special needs children, senior citizen, renter).	_____	_____	_____
400) TAX COMPUTATION AND CREDITS			
401) Determine any state alternative minimum tax.	_____	_____	_____
402) Compute any applicable tax credits (e.g., investment, jobs, enterprise, renter, senior citizen, rehab) including carryovers.	_____	_____	_____
403) Compute any credit recaptures.	_____	_____	_____
404) Claim all withholding, estimated and extension tax payments.	_____	_____	_____
405) Prepare estimated tax vouchers.	_____	_____	_____
406) Compute tax underpayment penalties.	_____	_____	_____
407) Determine the client's wishes concerning any refund checkoff programs.	_____	_____	_____
408) Determine the client's wishes concerning any overpayment (refund or carryover).	_____	_____	_____
500) MULTISTATE ISSUES			
501) Determine the source state of all sources of income.	_____	_____	_____
502) Calculate taxable income in each state based on applicable states' rules.	_____	_____	_____
503) For business returns, calculate the allocated income and apportionment factors for each state. (Note that states are not consistent in determination of these items.)	_____	_____	_____

STATE INDIVIDUAL INCOME TAX RETURN CHECKLIST
1997

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
504) For business returns, advise the client of their exposure to other tax programs (e.g., sales, license, employment, inventory, property).	_____	_____	_____
505) Determine if a credit for taxes paid to other states is available.	_____	_____	_____
600) OTHER REQUIREMENTS			
601) Attach extensions, Forms W-2 and other required attachments.	_____	_____	_____
602) Identify planning opportunities for minimizing state taxes.	_____	_____	_____
603) Identify and report any out-of-state purchases if required to be reported for use tax purposes.	_____	_____	_____
604) Prepare a note for the top of the file concerning state items to track and any matters of concern for future preparers.	_____	_____	_____

COMMENTS OR EXPLANATIONS

STATE CORPORATION INCOME TAX RETURN CHECKLIST

1997

Client Name and Number: _____

Prepared by: _____ Date: _____ Reviewed by: _____ Date: _____

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
100) GENERAL INFORMATION			
101) For comprehensive charts and lists of various items and requirements (e.g., tax rates, filing dates, extensions, estimated taxes, exemptions, reports, limitation periods, NOL deductions, etc.), refer to state tax reporter services such as the <u>All States State Tax Guide</u> or <u>Multistate Corporate Income Tax Guide</u> or <u>CCH State Tax Review</u> by Commerce Clearing House (CCH), or other publications by Tax Management, Inc./The Bureau of National Affairs, Inc., or the Federation of Tax Administrator's internet web page at http://sso.org/fta/fta.html	_____	_____	_____
102) Obtain information concerning state tax audits and correspondence.	_____	_____	_____
103) If a federal audit has been settled, notify states properly.	_____	_____	_____
104) Determine if the client has sufficient connection with any other state that may require an income and/or franchise tax return. Note that requirements for filing a franchise tax return may differ from requirements for filing an income tax return. If multistate, see items under 500) below.	_____	_____	_____
105) Consult the <u>State Tax Return Preparation Guide For All States' CORPORATION State Tax Returns</u> (also in this AICPA Tax Practice Guides and Checklists publication package) for common problems and unique tax issues for each state tax return to be prepared. Also consult the <u>State Corporate Tax Issues Practice Guide</u> (also in this AICPA Tax Practice Guides and Checklists publication package) for an explanation of nexus issues and the most commonly asked nexus questions, and a discussion of various multistate and state NOL issues, which may be helpful for further information relevant to the questions below in 109), 600), and 700).	_____	_____	_____
106) Obtain and review information related to state statutory, regulatory or administrative changes since the filing of the prior return.	_____	_____	_____
107) Review prior year returns.	_____	_____	_____
108) Consider the impact of any acquisitions, divestitures and reorganizations on state income and franchise taxes.	_____	_____	_____
109) Determine with the client the proper filing status (combined or separate reporting, unitary issues, consolidated) for multicompany entities. Check for election possibilities or a mandatory method.	_____	_____	_____
110) If an S corporation return is prepared, review S corporation provisions for each state and review taxation of S corporation shareholders, especially nonresidents, for each state.	_____	_____	_____

STATE CORPORATION INCOME TAX RETURN CHECKLIST

1997

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
200) INCOME			
201) If the state piggybacks on the federal return, either before or after the net operating loss deduction or special deduction, transfer income information from the federal return.	_____	_____	_____
202) Determine interest and dividends from bonds that are exempt from federal tax for possible add back. Check for possible offset of direct expenses against the tax-exempt income.	_____	_____	_____
203) Determine each state's tax-exempt interest and dividends for possible deduction (i.e., home state interest if all states' interest was added back in item 202) above. Check for possible offset of direct expenses against the tax-exempt income.	_____	_____	_____
204) Determine interest and dividends from U. S. government obligations for deduction. Check for possible offset of direct expenses against the tax-exempt income.	_____	_____	_____
205) Check for any other income taxable on the state return that was not taxed on the federal return.	_____	_____	_____
206) Check for any income taxable on the federal return that may not be taxable on the state return.	_____	_____	_____
300) DEDUCTIONS			
301) Determine any differences between federal and state deductions (e.g., state tax deduction, dividend received deduction, depreciation).	_____	_____	_____
302) Determine any differences between federal and state carryovers (e.g., capital loss, excess charitable contributions).	_____	_____	_____
400) TAX COMPUTATION AND CREDITS			
401) Determine any state alternative minimum tax.	_____	_____	_____
402) Compute any applicable tax credits (e.g., investment, jobs, enterprise, environmental, rehab) including carryovers.	_____	_____	_____
403) Compute any credit recaptures.	_____	_____	_____
404) Claim all estimated and extension tax payments.	_____	_____	_____
405) Prepare estimated tax vouchers.	_____	_____	_____
406) Compute tax underpayment penalties.	_____	_____	_____

STATE CORPORATION INCOME TAX RETURN CHECKLIST
1997

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
500) MULTISTATE ISSUES			
501) Determine in which states a multistate corporation is required to file income or franchise tax returns. Consult the AICPA <u>State Tax Nexus Checklist/Practice Guide</u> for guidance. See the <u>State Corporate Tax Issues Practice Guide</u> (also in this AICPA <u>Tax Practice Guides and Checklists</u> publication package) for an overview of nexus and details on ordering the AICPA <u>State Tax Nexus Checklist/Practice Guide</u> .	_____	_____	_____
502) Consult the <u>State Corporate Tax Issues Practice Guide</u> (also in this AICPA <u>Tax Practice Guides and Checklists</u> publication package) for information on multistate allocation and apportionment and net operating loss issues.	_____	_____	_____
503) If the corporation is not taxable in more than one state, determine whether the corporation is permitted to apportion its income.	_____	_____	_____
504) Determine the available methods of dividing the income tax base of a multistate corporation for all states for which returns are required (i.e., separate accounting, specific allocation, formulary apportionment). Check for any states with special elections available.	_____	_____	_____
505) If separate accounting method is available and beneficial, determine if necessary records for separate accounting are available.	_____	_____	_____
506) Determine the need to distinguish between business income and nonbusiness income. Review the respective tests.	_____	_____	_____
507) Determine if the corporation has income subject to specific allocation. If so, determine treatment of expenses directly or indirectly related to allocated income. (These are generally added back or netted against the applicable income.)	_____	_____	_____
508) Determine whether the state in which you are filing requires or permits unitary, combined or consolidated reporting and if so, which test(s) applies.	_____	_____	_____
509) Determine the total income that is to be apportioned.	_____	_____	_____
510) Determine each state's apportionment formula for business income.	_____	_____	_____
.1) Check whether any of the states' formulas differ from the standard three-factor formula (e.g., double weighted sales factor, a formula with less than three factors or a specific formula based on the corporation's industry).	_____	_____	_____

STATE CORPORATION INCOME TAX RETURN CHECKLIST

1997

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.2) Check the various states' rules that establish what items are included in the factors, the timing of entry and removal from the factors, the evaluation of items included in the factors, and how items are assigned to a particular state and included in that state's apportionment factor numerator.	_____	_____	_____
511) Determine the amounts to be included in the property factor and check the various states' rules concerning the use of cost or adjusted book values in property values.	_____	_____	_____
512) Determine the amounts to be included in the payroll factor and check the various states' rules for treatment of special classes of compensation such as compensation of corporate officers, commissions and other compensation, or payments to independent contractors.	_____	_____	_____
513) Determine the amounts to be included in the sales factor considering each states' rules concerning "throwback" sales.	_____	_____	_____
600) STATE NOL ISSUES			
601) Determine each state's rules concerning calculation of net operating losses (NOLs) and any related carrybacks or carryforwards.	_____	_____	_____
602) Determine each state's starting point for calculation of an NOL, such as federal taxable income with or without NOL modification, or federal taxable income before the federal NOL deduction with a state specific NOL calculation.	_____	_____	_____
603) For multistate returns:			
.1) Determine each state's effect on the NOL and the amount of carryback or carryforward due to state modifications, apportionment factors, and the allocation of nonbusiness income.	_____	_____	_____
.2) Determine whether each state's loss can be carried back or carried forward only against income from that state.	_____	_____	_____
.3) Determine whether NOL carryforwards and carrybacks use the apportionment factor for the year of the loss or for the year the loss is utilized.	_____	_____	_____
604) For affiliated groups of corporations filing a consolidated return:			
.1) Determine whether state NOLs may be required to be tracked on a separate entity basis.	_____	_____	_____
.2) Check for state requirements concerning separate return filing years and effects on NOL carryforwards and carrybacks.	_____	_____	_____

STATE CORPORATION INCOME TAX RETURN CHECKLIST

1997

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
605) If combined corporate reporting is allowed or required by a state, check if combined or separate method is used for calculating the NOL for that state.	<input type="checkbox"/>	<input type="checkbox"/>	
606) Check on the treatment of any NOL carryovers if a corporation has had a reorganization, acquisition, or liquidation.	<input type="checkbox"/>	<input type="checkbox"/>	
607) Consult the <i>State Corporate Tax Issues Practice Guide</i> (also in this AICPA <i>Tax Practice Guides and Checklists</i> publication package) for an explanation of state net operating loss issues.	<input type="checkbox"/>	<input type="checkbox"/>	
700) OTHER REQUIREMENTS			
701) Attach extensions and other required attachments.	<input type="checkbox"/>	<input type="checkbox"/>	
702) Identify planning opportunities for minimizing state taxes.	<input type="checkbox"/>	<input type="checkbox"/>	
703) Identify and report any out of jurisdiction purchases for use tax.	<input type="checkbox"/>	<input type="checkbox"/>	
704) Determine if the corporation would gain any state tax advantages by changing its state of incorporation or principal office.	<input type="checkbox"/>	<input type="checkbox"/>	
705) Prepare a note for the top of the file concerning state items to track and any matters of concern for future preparers.	<input type="checkbox"/>	<input type="checkbox"/>	

COMMENTS OR EXPLANATIONS

SAMPLE IRS CORPORATE AUDIT FORMAT

INTRODUCTION

The following questions are samples of those that may be asked during the interview and examination process of tax returns. They are not intended to be all inclusive. Tax examiners for the Internal Revenue Service are encouraged to use their own judgment. As a result, the scope of their examination may be expanded depending on the responses to these general questions. The purpose of these sample questions is to assist in the preparation for an examination. It is advisable that the tax practitioner determine the intent of the questions and prepare accordingly.

The IRS has identified specific MSSP research and development projects and audit technique guides in review and revision. These segments are as follows:

- | | |
|---|--|
| § 936 Corporation | * Health Care |
| Architectural Services | Insurance Agencies |
| Art Dealers | Intermodal Industry (Transport Containers) |
| Attorneys | Jewelry Dealers |
| * Auto Body Shops | * Laundromats |
| * Auto Dealers | Life Insurance |
| Auto Repair Shops | Liquor Stores |
| Bail Bondsmen | Low Income Housing Credits |
| Beauty Shops/Barber Shops | * Mining Activities (Small Scale) |
| Carwashing & Detailing | * Ministers |
| * Check Cashing | * Mobile Cart Vendors |
| Child Care | Nursing/Rest Homes |
| Citrus Industry | Oil and Gas Operators |
| Coal Mining (Excise) | Parking Lots |
| Commercial Banking | Pawn Shops |
| * Construction, General Building Contractor | Petroleum Contamination Clean-up |
| * Construction Industry | * Pizza Parlors |
| Cooperative Housing Corp. | Plastic Surgeons |
| * Eating Places/Restaurants/Bars | * Port Project |
| * Electronic Components | Printing |
| Emergency Care Clinics | Real Estate Agendas/Brokers |
| Employment Tax—Pizza Driver | Real Estate Developers |
| Entertainment Industry: | Recycling |
| – Motion Pictures/Television | * Reforestation |
| – Contracts—Audit Applications | * Rehabilitation Credit |
| * – Foreign Athletes & Entertainers | Rent-to-Own |
| – Theater—Live Performances | * RTC Project (Forgiveness of Debt) |
| * – Individual Form 1040 | Scrap metal |
| Escort Service | Seafood Purchases |
| Extended Warranty Companies | Tobacco |
| Federal Excise Tax, Coal Mining | * Tour Bus |
| Federal Excise Tax, Fuel | Timber Industry |
| Financial Institutions | Timeshare & Homeowners Association |
| * Fishing | Travel Agency |
| Foreign Tourism | Trucking Industry |
| Furniture Manufacturing | Used Auto Dealers |
| * Garment Industry | * W-8 Unreported Income |
| * Grain & Milo Growers | * Wine Industry |
| * Grocery Stores | |

* Review and Revision

These documents are available from the IRS.

SAMPLE IRS CORPORATE AUDIT FORMAT

I. AGENT'S NOTIFICATION TO TAXPAYER/REPRESENTATIVE

Appeal Rights (Pub 1)
Privacy Act Notice (Pub 609)

II. INFORMATION THE REVENUE AGENT MAY REQUEST FROM THE TAXPAYER/REPRESENTATIVE

GENERAL:

Tax returns previously audited and results
Telephone numbers of corporate office and representative office
Properly executed Power of Attorney
Verification of TIN per return
Verification of address per return
Name of tax return preparer and fee charged
Extent services provided by preparer
Copies of tax returns from open tax years not under audit
Copies of externally and internally prepared financial statements
Copies of most recent IRS determination letter for all qualified retirement plans
Copies of any amendments or tentative carrybacks filed in the last three years
Corporate minute book and stock records
Currency Transaction Reports (Form 8300)

CORPORATE OFFICER(S) AND SHAREHOLDERS(S):

Name(s)
Title(s)
Ownership %(s)
Recent changes in ownership
Copies of shareholder(s) individual tax returns for period under audit
S corporation shareholder basis computations.

III. QUESTIONS THE REVENUE AGENT MAY ASK THE TAXPAYER/REPRESENTATIVE

RELATED ENTITIES:

Does the corporation own stock in any other closely held corporation(s)?
Do any shareholders own stock in any other closely held corporations(s)?
Does the corporation own an interest in any other closely held business entity (e.g., partnerships and joint ventures)?

SAMPLE IRS CORPORATE AUDIT FORMAT

BUSINESS HISTORY:

What are the business activities of the corporation?
How long has the corporation been in operation?
When was the corporation formed - was it a new business or was it a continuation of a business conducted in another form?
What was contributed to capital at incorporation?
What are the duties of each officer and shareholder?
Does the corporation conduct operations at any location other than the address on the return? If yes, describe.
Have there been any unusual or extraordinary events during the last three years (e.g., reorganizations, acquisitions or dispositions, decline in income due to casualty, loss of prime supplier or customers, or other economic business conditions)?
Does the corporation anticipate any significant expansion or addition of capital improvements?
Has there been a major expansion or remodeling of the corporate building and/or facilities in recent years?
Are there any legal actions pending against the corporation?
What is the corporation's policy relative to dividends?
Has the corporation engaged in any bartering activity?
Did the corporation pay any kickbacks either directly or indirectly?

CORPORATE TRANSACTIONS:

Are sales cyclical?
Who are the corporation's major suppliers?
Who are the corporations's major customers?
Does the corporation extend credit? If so, what are the terms?
Does the corporation offer discounts? If so, how are they recorded?
Does the corporation purchase goods on credit?
Does the corporation normally take advantage of discounts? If so, how are they recorded?
Did the corporation sell any assets during the year under examination?
Are all fixed assets shown on the corporate books still in service? If not, what was the disposition of the asset(s)?

PAYROLL AND RELATED:

What are the company's payroll procedures (e.g., separate bank account, outside agency)?
How is the compensation of the officers and shareholders determined?
What method(s) of compensation does the corporation use (e.g., salary, bonus, commission)?
What is the company's policy relative to bonuses?
How many full time and part time employees does the corporation employ?

SAMPLE IRS CORPORATE AUDIT FORMAT

Have any employees performed personal services for any officers or shareholders?

To what extent does the corporation use contract labor?

Have all required information returns been filed?

Are any immediate family members or close relatives of the officers or shareholders employed by the corporation?

What fringe benefits are provided to the employees (e.g., health insurance, life insurance, reimbursed travel and moving expense, discount on purchases, profit sharing plan, 401(K) or other retirement plan qualified or unqualified, medical reimbursement plan; other)?

Do the fringe benefits provided to the rank and file employees differ from those provided for shareholders and officers?

Has the corporation filed all required retirement plan returns?

Has the corporation filed all applicable federal employment tax returns?

TRAVEL AND ENTERTAINMENT:

What is the company's policy regarding travel and entertainment reimbursement?

Does the corporation provide shareholders, officers, and/or related family members with any of the following:

- Credit cards?
- Club dues?
- Club memberships?

VEHICLES:

Does the corporation own or lease any automobiles, trucks, RVs, airplanes, boats, or other vehicles?

How are these vehicles used in the business?

Are vehicle usage logs maintained?

Does the corporation restrict the use of these vehicles?

How does the corporation account for personal use of company vehicles?

Does the corporation own any trucks that are subject to the highway use tax?

BANKING

Where does the corporation maintain bank accounts (e.g., checking, savings, certificates of deposit, foreign accounts, money market investments)?

What is the purpose of each account?

What loans were outstanding during the tax year? Describe the purpose(s), terms, and activity for each.

INVENTORY:

What method of valuation does the corporation use?

SAMPLE IRS CORPORATE AUDIT FORMAT

If required, is the corporation in compliance with section 263A?

How often is physical inventory taken and by whom?

Does the corporation maintain perpetual inventory records?

Is the cost system integrated into the accounting system?

Do any employees, officers, or shareholders make personal withdrawals from inventories?

To what extent is the company's inventory insured and with whom?

Does the company utilize receiving reports?

How are returned goods handled?

What was the basis for the write down of the company's inventory?

What length of time does it take to process goods from start to finish?

ACCOUNTING SYSTEM:

What type of books and records are maintained (e.g., general ledger, journals, subsidiaries, etc.)?

Who is responsible for the following activities:

- General bookkeeping?
- Cash receipts?
- A/R?
- A/P?
- Recording sales?
- Purchases?

Who is responsible for writing and endorsing checks? Are multiple signatures required?

What method of accounting is used?

Has there been a change in the company's accounting method within the last three years?

INTERNAL CONTROLS:

How are cash sales handled?

Who opens the mail?

Who reconciles the corporate bank accounts?

Who makes the deposits?

How often are deposits made?

What percentage of receipts are deposited?

Does the corporation keep any large amounts of cash on hand?

What percentage of the company's income is received in each of the following forms:

- Checks?
- Cash?
- Charges?
- Other?

At what point are company sales recorded (e.g., date ordered, date invoice cut, date shipped)?

How is a sale accounted for from initial contact with the customer through completion of the transaction?

SAMPLE IRS CORPORATE AUDIT FORMAT

How does the company record returns and allowances? Are debit memorandums issued?

Does the company maintain a petty cash fund? If yes,

- What is the normal balance in this fund?
- What type of disbursements are made from the fund?
- Who approves expenditures?
- How is the fund replenished?

How does the corporation record the expenses it incurs through payment?

Does the corporation make any cash expenditures?

What does the company do with voided checks?

What is the corporation's policy with regard to ageing accounts receivable?

What is the company's policy regarding the write off of uncollectible accounts?

Does the corporation have any scrap sales?

Who authorizes the purchase of major items?

What is the corporate policy for expensing vs. capitalizing items?

Did the corporation record any liabilities which were contingent on some future event?

What cut off procedures does the corporation perform at year end regarding accounts receivable, accounts payable, and inventory?

RELATED PARTY TRANSACTIONS:

Did the corporation have any transactions with a corporate shareholder, officer, or family member?

Did the corporation distribute any assets or liabilities to a corporate shareholder, officer or family member?

Were there any loans or advances to or from a corporate shareholder, officer, or family member?

If yes,

- Is there a signed note?
- What interest rate was charged?
- What repayments have been made?

If there were any loans or advances to or from any related entity, were the transactions handled at arms-length?

Are personal funds of shareholders and officers kept separate from corporate funds?

MINUTE BOOK:

Is a corporate minute book maintained? If so,

- Is it up to date?
- Who is responsible for updating?
- Do the minutes address pension plan contributions?

Are officers' compensation and bonuses approved in the minutes?

Are loans properly considered and approved in the minutes?

Do the minutes address employee bonuses?

Do the minutes address company expansion?

SAMPLE IRS CORPORATE AUDIT FORMAT

OTHER QUESTIONS:

Does the tax return include all income earned by the corporation?

After having had time to review the return since contacted by the IRS, is the taxpayer/ representative aware of any additional deductions, erroneous deductions or any omissions of income contained therein?

If this is an S corporation, which shareholders meet the material participation requirements?

OIL AND GAS PRACTICE GUIDE

This practice guide is intended to assist income tax return preparers in reporting the amounts included on Forms 1099 and K-1 with respect to individual taxpayers receiving income from the sale of oil and gas reserves. This guide is intended to benefit practitioners who have little working experience with the reporting of oil and gas income on individual tax returns, and as such does not necessarily include all issues that may arise.

This guide is segmented into two parts. The first is a narrative discussion of certain oil and gas definitions and tax concepts. The second contains specific return applications.

OIL AND GAS PRACTICE GUIDE

I. Types of Oil and Gas Interest and Payments

A. Non Operating Interests

1. Royalty Interests

A royalty interest holder possesses the right to a specific portion (generally expressed as a fraction or a percentage) of the revenue from the sale of oil and gas reserves. The holder of this interest generally is not required to bear any portion of the cost of development or operation of the oil and gas property. However, a royalty interest holder generally must bear his or her share of production taxes including such state and local severance taxes, ad valorem taxes, and gathering and handling charges. Generally, the production taxes assessed against a royalty interest holder are withheld by the purchaser of the oil and gas. Thus, the royalty interest holder generally receives payments from the purchasers which are net of production taxes.

2. Net Profits Interests

A net profits interest holder is entitled to a specific share of the gross production from the property measured by the net profits from the operation of the property. Generally, the costs considered in determining the "net profit" from a property can be distinctly defined with respect to each such interest. If there is no net profit (as defined) from the property, the holder of the net profits interest receives no payments; however, the holder is also not liable to pay for any share of the net loss. Once the property has a net profit (as defined), the holder of the net profits interest receives payments representing his or her share of that net profit amount.

B. Operating Interests

An operating interest (also known as a working interest) constitutes a right to the oil and gas reserves in place that entitles the holder to a specific portion of the revenue arising from the sale of the oil and gas reserves and that is also burdened with the costs of development and operation of the oil and gas property. In addition, like a non operating interest, an operating interest must bear its share of the production taxes. Thus, the operating interest holder generally receives payments from the purchaser which are net of production taxes. In most instances the operating interest holder pays the cost of operating the oil and gas property directly. However such operating costs may also be withheld by the disburser causing the payment to the operating interest holder to be net of such costs.

C. Other Payments

Several other types of payments are commonly made to the holders of oil and gas interests which are not directly made for the sale of oil and gas reserves. Included below is a short description of some of those payments.

1. Lease Bonuses

In many instances, operating interests are leased rather than acquired as a fee interest. Generally, the lessor receives an up-front payment (lease bonus) from the lessee for the right to enter into the lease.

2. Delay Rentals

Often oil and gas mineral interests are held in the form of a lease which has an expiration date. Delay rentals are paid for the privilege of holding the lease prior to the date of development of the underlying reserves. These payments are generally made by the operating interest owner to the lessor.

3. Damages

In some cases, payments (damages) are made to landowners for damages to the land surface or crops on that surface. These payments are generally made by the operating interest owner to the owner of the surface rights.

4. Shut-Ins

In some cases, leases provide for payments of shut-in royalties (shut-ins) where a producing well has been drilled but the underlying reserves are not being produced for some reason. These payments are generally made by the operating interest owner to the lessor.

II. The Depletion Concept

The removal of a mineral from its natural reservoir diminishes the quantity remaining in the reservoirs until the recoverable supply ends. Depletion, for Federal tax purposes, depends not upon production of a mineral but upon its sale. The legislative history of depletion indicates that percentage depletion is intended to allow a tax-free recovery of value (whether or not in excess of basis) so that incentives would exist for exploration and development of new oil and gas reserves.

Only the owner of an economic interest is entitled to depletion on the income derived from production and sale of minerals from a property. The owners of mineral interests, royalties, working interests, net profits interests or other production payments possess an economic interest and are entitled to depletion for tax purposes. The Code provides for two methods of computing the depletion allowance; cost and percentage depletion. The taxpayer is not given an election to compute his depletion one way or the other, but must compute depletion both ways and claim the larger of two sums. An example of a depletion schedule is included below. The following descriptions define various depletion terms:

A. Cost Depletion

Depletion computed on the units of production method and limited to the taxpayer's basis in the property. The cost depletion formula is:

$$\frac{(\text{Adjusted basis of mineral}) \times (\text{Units sold during the year})}{(\text{interest at end of period}) \quad (\text{Units remaining at end of period} + \text{units sold during the period})}$$

B. Percentage Depletion (sometimes called Statutory Depletion)

Depletion computed on a predetermined statutory percentage (currently 15%) of gross income according to the I.R.C. § 613A. The depletion allowance is subject to the 100% of net income limitation of the property and the 65% of taxable income limitation of § 613A(d). Treasury Reg. § 1.613-5 addresses the calculation of "net income" from the property for purposes of the 100% limitation. In addition, I.R.C. § 613A(d)(5) excludes amounts received as a lease bonus from eligibility for percentage depletion.

C. Tentative Depletion

The greater of cost or percentage depletion on a property by property basis after the application of the per barrel limitation of I.R.C. § 613A(c) but before the 65% of taxable income limitation of I.R.C. § 613A(d).

D. Allowable Depletion (sometimes referred to as sustained or tax depletion)

The greater of percentage depletion after the application of the 65% of taxable income limitation of I.R.C. § 613A(d) or cost depletion. The amount of depletion deductible on the face of the tax return. The amount serves to reduce the taxpayer's basis in the mineral interest to zero. The deduction is not limited to the basis in the mineral interest.

E. Percentage Depletion on Marginal Production

OBRA '90 increased the percentage depletion rate for qualifying interests in marginal oil and gas wells provided the reference price is less than \$20 per barrel. Marginal production includes crude oil and natural gas produced from a domestic stripper well property and heavy oil from a domestic property. A stripper well property is any oil and gas producing property that produces a daily average of 15 barrels (6 MCF of gas = 1 barrel of oil) or less per well. Heavy oil is oil with a weighted average gravity of 20 degrees API or less, corrected to 60 degrees Fahrenheit.

Depletion Rates for Marginal Production have been as follows:

1992 - 18%
1993 - 19%
1994 - 20%
1995 - 21%
1996 - 20%
1997 - 16%

F. Example

Depletion Schedule Operating Interests

Lease Name	Gross Income	Severance Tax	LOE	Depreciation	* Allocated Overhead	Net Income Before Depletion	Percentage Depletion (15%)	Cost Depletion	Allowable Depletion
Smith	2,000.00	141.70	250.00	100.00	277.77	1,230.53	300.00	250.00	300.00
Jones	4,000.00	283.40	450.00	125.00	555.56	2,586.04	600.00	700.00	700.00
Russell	10,000.00	708.50	650.00	300.00	1,388.89	6,952.61	1,500.00	1,100.00	1,500.00
Johnson	20,000.00	1,417.00	1,500.00	450.00	2,777.78	13,855.22	3,000.00	4,000.00	4,000.00
Totals	<u>36,000.00</u>	<u>2,550.60</u>	<u>2,850.00</u>	<u>975.00</u>	<u>5,000.00</u>	<u>24,624.40</u>	<u>5,400.00</u>	<u>6,050.00</u>	<u>6,500.00</u>

Overhead Expenses

Rent	2,500.00
Legal & Professional	350.00
Supplies	250.00
Utilities	1,500.00
Insurance	100.00
Auto	300.00
Total	<u>5,000.00</u>

* Overhead allocated = (Total Overhead ÷ Total Gross Income) x (Gross Income from Property)

III. Tax Credits

A. Nonconventional Fuel Credit (I.R.C. § 29)

This non-refundable income tax credit of \$3 per barrel of oil equivalent is available for sales of qualified fuels. The intent of the credit is to give producers of alternative fuels some protection against significant decreases in the average well head price with which alternative fuels typically compete. Thus, the credit is based on the qualified fuels barrel-of-oil equivalence, and phases out as the average wellhead price of domestic oil rises from \$23.50 to \$29.50, adjusted for inflation. This credit is limited to regular tax reduced by other tax credits. It may not be carried forward or back to another year if unused. However, if the allowable credit is limited because of alternative minimum tax, the unused portion may increase the carry forward of credit for prior year's minimum tax as provided by I.R.C. § 53(d). Qualified fuels generally include oil produced from shale and tar sands; gas produced from geopressurized brine, Devonian shale, coal seams, or a tight formation, or biomass; and liquid, gaseous, or solid synthetic fuels produced from coal (including lignite), including such fuels when used as feedstocks. The \$3 per barrel amount is adjusted for inflation each calendar year with one exception. In the case of gas from a tight formation the \$3 amount is not adjusted. The adjusted per barrel credit amount was \$5.76 in 1994, \$5.83 in 1995 and \$5.95 in 1996. The preceding calendar year's inflation adjustment is required to be published not later than April 1 of each calendar year. Both operating and non operating interest owners may claim this credit.

B. Enhanced Oil Recovery Credit (EORC) (I.R.C. § 43)

Section 43 currently provides a 15% tax credit for certain costs paid or incurred in a qualified enhanced oil recovery project. Only taxpayers owning an “operating interest” in the project may claim the credit. Any deduction allowable for costs taken into account in computing the credit is reduced by the amount of the credit attributable to such credit. This credit is a component of the general business credit and as such may be carried back three years and carried forward 15 years.

IV. Intangible Drilling Costs (IDC)

The major portion of the costs incurred in drilling an oil and gas well do not result in the acquisition of tangible property having a salvage value. These expenditures are classified as intangible drilling costs. The Code requires the Treasury to issue regulations to grant taxpayers the option of deducting as ordinary and necessary business expenses the IDC for oil, gas, or geothermal wells. Under Reg. § 1.612-4(a), only owners of operating interests may take advantage of this option if such owners actually bear such costs. When a taxpayer deducts such expenses on his or her return he or she is deemed to have made the election. This is a once in a lifetime election and is effective for all subsequent years. With respect to “prepaid IDC,” certain conditions must be met before deducting such payments if the drilling activity does not commence until a subsequent tax year. A taxpayer may generally deduct only the IDC applicable to the taxpayer’s working interest revenue share during the full pay out period; any excess must be treated as additional lease acquisition rent. Partnerships and special allocation provisions are often used to avoid this capitalization.

Oil and Gas Tax Practice Guide

Return Applications

I. Informational Return - Form 1099 MISC

A. Royalties & Net Profits Interest

1. Criteria:

Every person who receives royalties (or similar amounts, including amounts from net profits interest) aggregating \$10 or more during any calendar year should receive an information return.

2. Forms:

Form 1099-Misc, Statement for Recipients of Miscellaneous Income, is used to report the required information and the aggregate amount of payments. Royalty payments should be recorded in box number 2 marked "Royalties." Net profits interest are often reported in the Royalties box.

3. Federal Income Tax Return Reporting

a. Schedule E Reporting

Generally, all income reported on Forms 1099 MISC Box 2 with respect to non operating oil and gas interests held directly by individual taxpayers should be reported in Part I of Schedule E (Form 1040). (In cases where an Individual also holds a significant number of operating interest and actively conducts a trade or business in the oil and gas industry, there is some justification for reporting non operating interest income on Schedule C. See the discussion below for the treatment of operating interest income.)

b. Computation of Depletion

The recipient of income from oil and gas non operating interests should generally record a deduction for depletion computed under either the cost depletion method or the percentage depletion method. Note that only certain producers and only certain production quantities qualify for percentage depletion deductions. Also, percentage depletion is subject to several computed limitations. I.R.C. § 613A should be consulted to determine if the taxpayer is eligible for percentage depletion deductions. The computed depletion deduction should be reported on Line 20 of Schedule E.

c. Passive Income (Loss) Rules

Oil and gas royalties and net profits interests will generally constitute portfolio income unless the trade or business exception applies.

d. Self Employment Taxes

Generally, income or losses arising with respect to non operating interests are not considered for purposes of computing self employment taxes.

B. Operating Interests And Other Payments

1. Criteria:

Any Individual who holds an oil and gas operating interest and who receives, in a calendar year, \$600 or more from the sale of oil and gas reserves from a single payor with respect to that interest should receive a Form 1099 from each such payor. Also, Individuals who receive, in a calendar year, \$600 or more from payments of Delay Rentals, Lease Bonuses, Damages or Shut-Ins should receive a Form 1099 from each such payor.

2. Forms:

The required information is to be reported on Form 1099-MISC. The aggregate amount of payments to each recipient must be reported. The proper box on Form 1099 in which to record payments depends on the type of payment being made. Reporting of the oil and gas payments discussed in this section should be reported in box number 7 labeled "Nonemployee Compensation." However, Delay Rental payments may be recorded in box number 1 labeled "Rents."

3. Federal Income Tax Return Reporting

a. Schedule C & E Reporting

Generally, all income reported on Forms 1099 with respect to operating oil and gas interests held directly by individual taxpayers should be reported on Schedule C (Form 1040), with gross income and withheld expense amounts reported in the appropriate lines on the form.

The proper place to report receipts for Lease Bonus, Delay Rentals, Shut-Ins and/or Damages generally depends on the Individual's particular situation. In general terms, if the Individual actively conducts a trade or business in the oil and gas industry, these payments should be reported on Schedule C. Alternatively, Schedule E reporting would most likely be appropriate (except for Damages) in cases where the Individual is not an active participant in the oil and gas industry. Damages should

be reported in the same manner that other non oil and gas income from the surface rights would be reported (e.g., ordinary income, capital gain or non-taxable reduction of basis depending on the nature of the damage payment).

b. Computation of Depletion

The recipient of income from oil and gas operating interests generally should record a deduction for cost or percentage depletion. See the discussion under non operating interests for additional information. The computed amount should be reported on line 12, Part II of Schedule C.

c. Self Employment Taxes

Generally, income or loss reported with respect to an oil and gas operating interest directly held by an individual is considered self-employment income or loss and should be included in the computation of self employment taxes on Schedule SE (Form 1040). Taxpayers have argued against this presumption in the courts with limited results.

d. Passive Income (Loss) Rules

The passive income (loss) rules provide that income or loss arising from oil and gas operating interests held directly by individual taxpayers generally should not be treated as income or loss from passive activities.

C. Filing Dates:

Form 1099 copies to Individuals by January 31 of the following year.

Form 1096 and 1099 with the IRS by February 28 of the following year. State requirements vary.

II. Partnership K-1s

A. Background

The oil and gas industry is somewhat unique in that the large majority of oil and gas wells are drilled and operated in joint venture arrangements. Some of these joint ventures elect not to file partnership tax returns but others report income or losses for Federal income tax purposes as partnerships. Some of the partnerships are actual legal entities and some of the partnerships are "tax only" partnerships. "Tax only" partnerships are partnerships recognized for income tax purposes only and have no legal status as a separate entity. Hereinafter, legal and "tax only" partnerships will not be distinguished for purposes of this discussion. Various states now allow formation of limited liability companies which may qualify as a partnership for tax purposes.

B. Reporting of Partnership Income and Losses

Income or losses arising from oil and gas properties held by partnerships are recorded in partnership returns (Form 1065) filed with the IRS. Each partner in a partnership should receive from the partnership a schedule K-1 which reports his or her share of the total partnership income or losses. Each partner should report his or her share of the income or losses from the business of the partnership based on the information included on the schedule K-1.

1. Federal Income Tax Return Reporting

a. Schedule E Reporting

Royalty income is reported on page 1 of Schedule E. Other items are reported in the partnership's section of Sch. E, page 2. The K-1 reports the necessary information to allow each partner to compute his or her own allowable depletion. IDC's are passed through to allow each partner to make his or her own decision as to expensing options. Credit amounts are also passed through to be reported on each partner's return.

b. Passive Income (Loss) Rules

Royalty income constitutes portfolio income. Other oil and gas items will be deemed to be passive if derived from a limited partnership interest. General partners must meet material participation standards to obtain active status.

c. Self Employment Taxes

Limited partners will not incur self-employment income on operating interests.

III. Tax Credits

A. Nonconventional Fuels Credit (I.R.C. § 29)

There is not an IRS form to be used to compute the section 29 credit. For individuals, there is not a separate line on Form 1040 to report the credit. According to the form 1040 instructions, the amount of the credit and "FNS" should be entered on the dotted line next to Line 45. The amount should be combined with the amounts on Lines 41 through 44 to arrive at total credits entered on Line 45.

B. Enhanced Oil Recovery Credit

This credit is entered on Form 3800.

IV. Alternative Minimum Tax (AMT) Preferences

The Comprehensive National Energy Policy Act of 1992 repealed the minimum tax preferences for depletion and IDCs of independent oil and gas producers and royalty owners for taxable years beginning after 1992. The repeal of the IDC preference may not, however, result in the reduction of the amount of the taxpayer's alternative minimum taxable income by more than 40% of the amount that the taxpayer's alternative minimum taxable income would have been had the IDC preference not been repealed. Therefore, a computation of "excess IDC" and any resulting tax preference under prior law is required in many cases. AMTI will need to be computed both with the IDC preference and without the IDC preference to determine if the taxpayer can benefit from the relief of the preference.

Excess IDCs were the excess of the taxpayer's regular tax deduction for such costs over the amount that would have been allowable for the taxable year, if such costs had been capitalized and amortized over a period of 120 months from the month in which production from the well commenced or, if the taxpayer so elected, over the period that could be used to determine cost depletion.

Intangible costs in drilling a non productive well were not included as IDCs. The Committee Reports state that a well is non-productive if it is plugged and abandoned without having produced oil and gas in commercial quantities for any substantial period of time.

The AMT preference amount was defined as the amount by which "excess IDC" paid or incurred during the taxable year exceeded 65% of the taxpayer's net income from oil, gas, and geothermal properties for the taxable year.

The net income from oil, gas, and geothermal properties for the taxable year was the excess of the aggregate amount of gross income (as determined for percentage depletion) from such properties over the amount of any deductions allocable to such properties reduced by the "excess intangible drilling costs." The deductions attributable to properties with no gross income are not taken into account.

Under I.R.C. § 59(e), a taxpayer may make a "normative election" to deduct IDCs ratably over a 60-month period beginning with the month in which the IDC was paid or incurred. If the taxpayer makes an election under section 59(e), no preference amount results from IDCs subject to the election. The election may be made for any portion of the IDC expenditure. For example, a taxpayer who incurs \$100,000 of intangible drilling costs with respect to a single property may elect normative treatment for any dollar component of the expenditures. No other deduction is allowed for the item to the extent such an election applies. The election may be revoked only with the consent of the Secretary. In the case of a partnership or an S corporation, an election shall be made separately by any partner or shareholder with respect to such individual's allocable share of any expenditures.

IRS EXAMINATION GUIDE

This document is primarily intended for use in Office and Field Income Tax Examinations. Although portions may be applicable, this is not specifically intended for use in examinations of partnerships subject to §§ 6221 - 6233 Consolidated Audit Procedures. Additionally, this should not be construed to be a substitute for professional judgment or serve as a "strategy" guide.

The titles of Revenue Agent and Tax Auditor apply to distinguish IRS personnel as do the terms "audit" and "examination" to differentiate the scope and objective of what may best be considered a law enforcement "procedure." In this document, the term agent and examination will be used throughout as common terms that may apply to both types of personnel and classes of "procedure."

IRS EXAMINATION GUIDE

Client Name and Number: _____

Prepared by: _____ Date: _____ Reviewed by: _____ Date: _____

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
100) PRE-EXAMINATION ADMINISTRATION			
101) Determine from client communication or verbal contact the scope of the IRS representative's work which will be one of the following:			
.1) Compliance Check. The procedures will be limited to inspection of forms filed and inquiry related to information return filing(s). Since this does not include the examination of the taxpayer's books and records, the remainder of this guide will, generally, be inapplicable. Be aware of the point at which a compliance check becomes an audit or examination. See forthcoming IRS publication titled " <u>Compliance Check, Audit or Examination</u> " for particulars.	_____	_____	_____
.2) Audit. (Generally, this will encompass review of issues or verification of return items that have been determined before assignment to a tax auditor in an office audit.) Since the scope of an office audit is normally restricted, items generally not inherent to an office audit are subsequently distinguished as field examination items in this Guide.	_____	_____	_____
.3) Examination.	_____	_____	_____
102) If you prepared or were associated with the return being examined:			
.1) Consider whether an independent review by someone not originally associated with the return preparation or review should be performed.	_____	_____	_____
.2) Locate evidence of having provided a copy of the return to the client. This may be requested by the agent.	_____	_____	_____
103) Locate or obtain copies of the following, if you do not already have them:			
.1) A copy of the return for the year being examined, including amended returns.	_____	_____	_____
.2) A copy of the workpapers used to prepare the return.	_____	_____	_____
.3) A copy of the returns, including amended returns, for the year preceding and following the year being examined.	_____	_____	_____

IRS EXAMINATION GUIDE

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
104) Review the return for the year being audited, including subsequent amended return(s), workpapers, and source documents provided to prepare the return, and determine if there are any errors.	_____	_____	_____
105) Consider reviewing the same information for the year preceding and following the return being audited to determine:			
.1) Whether there are errors related to those return years.	_____	_____	_____
.2) Whether there are carryover related errors that may affect other returns.	_____	_____	_____
106) Review correspondence in your files to determine whether there have been subsequent discoveries of errors or factual information omissions, changes, or corrections.	_____	_____	_____
107) In the event an error(s) is found, quantify the "net" potential:			
.1) Tax effect.	_____	_____	_____
.2) Client penalty and interest.	_____	_____	_____
.3) Preparer penalty amount.	_____	_____	_____
108) In conjunction with Item 107, determine whether it is in the firm's and the client's best interest to represent the client in this matter.	_____	_____	_____
109) In conjunction with Item 108, if you will continue representing the client, obtain client agreement as to how errors should be dealt with and a written conflict of interest waiver.	_____	_____	_____
110) Determine, if possible at this point, if there are any industry or tax issues to be raised for which you do not possess adequate experience or expertise. If so:			
.1) Determine whether needed research can be done "in house."	_____	_____	_____
.2) Consider retaining another practitioner with the requisite capability to assist you.	_____	_____	_____
.3) Consider withdrawing from the engagement.	_____	_____	_____
111) Determine whether Form 2848, Power of Attorney, bearing original signatures, for the specific taxpayer, return, and type of tax for the year being examined and the year preceding and following, has been filed with the IRS			

IRS EXAMINATION GUIDE

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
Service Center POA Unit where the return was originally filed and the Revenue Agent assigned to the examination.	_____	_____	_____
112) Consider obtaining and holding, until needed, Powers of Attorney for the same tax periods for the following:			
.1) Payroll and excise tax returns, if any, required to be filed or that have been filed by the taxpayer.	_____	_____	_____
.2) Gift Tax Return, Form 709.	_____	_____	_____
113) For field examinations only, consider obtaining and holding, until needed, Powers of Attorney for the same tax periods for the following:			
.1) Each taxpayer that would be deemed to be a related party or affiliated group member with respect to the taxpayer being audited.	_____	_____	_____
.2) Each officer and officer stockholder listed on Form 1120 or 1120S Schedule E, if the taxpayer being audited is a corporation.	_____	_____	_____
.3) Each managing partner or member if the taxpayer being audited is a partnership or limited liability company.	_____	_____	_____
.4) Each partnership or corporation in which the taxpayer has more than a 10% interest.	_____	_____	_____
200) PRE-EXAMINATION PLANNING AND ORGANIZATION			
201) Consider confirming, through an engagement letter, the role you will play in the examination, i.e.:			
.1) As the primary taxpayer representative in the examination.	_____	_____	_____
.2) As "backup" and technical support with primary responsibility for representation belonging to another party such as the taxpayer, an employee of the taxpayer, or another, such as their attorney.	_____	_____	_____
202) For an office audit, the identification of documentation will be related to predetermined issues and, in some cases, has been specifically identified by the tax auditor. In examinations where that has not been ascertained, determine location, availability and condition of, and be prepared to provide upon request the following client documents:			

IRS EXAMINATION GUIDE

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.1) Bank statements for the year being examined and the year preceding and following including deposit slips, cancelled checks, copies of cashier checks, withdrawal advices, and wire transfers. This should be obtained for all taxpayer accounts including checking, savings, money market or other investment accounts, and accounts for which the taxpayer has a line of credit.	<hr/>	<hr/>	<hr/>
.2) General ledger, if any, including all ancillary journals, chart of accounts, and year end adjusting journal entries.	<hr/>	<hr/>	<hr/>
.3) For a field examination, consider providing the following:			
.a) Workpapers (or tax grouping sheets) used to prepare the return that reconcile the line items on the return to the financial statements and trial balance.	<hr/>	<hr/>	<hr/>
.b) A reconciliation of book and tax income.	<hr/>	<hr/>	<hr/>
.c) A reconciliation of Schedule M-1 "income per books" to financial statement income, if different.	<hr/>	<hr/>	<hr/>
.d) Adjusting entries prepared by independent accountants.	<hr/>	<hr/>	<hr/>
.e) Schedule of year end accruals.	<hr/>	<hr/>	<hr/>
.f) Schedule of "other current assets" and "other current liabilities."	<hr/>	<hr/>	<hr/>
.g) Depreciation schedule.	<hr/>	<hr/>	<hr/>
.h) Calculation of ending inventory, including § 263A calculations.	<hr/>	<hr/>	<hr/>
.i) Record retention agreement for computerized records with the IRS.	<hr/>	<hr/>	<hr/>
.j) A description of the system of internal controls.	<hr/>	<hr/>	<hr/>
.4) Documentation related to the following income or deduction items:			
.a) Taxes and licenses.	<hr/>	<hr/>	<hr/>
.b) Legal and professional.	<hr/>	<hr/>	<hr/>
.c) Charitable contributions.	<hr/>	<hr/>	<hr/>

IRS EXAMINATION GUIDE

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.d) Mortgage and other interest deductions.	_____	_____	_____
.e) Business travel.	_____	_____	_____
.f) Meals and entertainment.	_____	_____	_____
.g) IRA or employee benefit plan contributions.	_____	_____	_____
.h) Barter transactions.	_____	_____	_____
.i) Foreign sourced income.	_____	_____	_____
.j) For an individual taxpayer, provide support for exemptions claimed.	_____	_____	_____
.k) Sales contracts, receipts or other documentation for the purchase or sale of business or personal property during the year.	_____	_____	_____
.l) Purchases of materials and supplies included in cost of sales.	_____	_____	_____
.m) Purchase invoices, receipts, and shipping documents related to the regular purchase and sale of merchandise or services in the normal course of business.	_____	_____	_____
.n) All types of sales and promotional discounts.	_____	_____	_____
.o) Copies of sales tax returns filed by the taxpayer for the year being audited.	_____	_____	_____
.p) Copies of excise tax returns filed by the taxpayer for the year being audited.	_____	_____	_____
.q) Insurance policies in effect during the year which may include health, life, accident, general liability, workers compensation, and auto and property coverage.	_____	_____	_____
.r) Lease agreements in force during the period under examination.	_____	_____	_____
.s) Payroll journal and copies of federal and state payroll tax returns, including Form 940 and state and local equivalent unemployment tax returns, for all quarters of the year being audited and the quarter preceding and following the year being audited, if applicable, and documentation of associated tax payments.	_____	_____	_____

IRS EXAMINATION GUIDE

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.t) Copies of loan documents for loans outstanding during the year.	_____	_____	_____
.u) For a corporation or limited liability company, documentation related to each officer, shareholder, or member for the following:			
(i) Accounts receivable.	_____	_____	_____
(ii) Loans.	_____	_____	_____
(iii) Compensation accrued and paid.	_____	_____	_____
(iv) Logs related to listed property.	_____	_____	_____
.v) Documentation to support business use of listed property.	_____	_____	_____
.w) Determination of bad debts.	_____	_____	_____
.5) Copies of state and local tax returns for the year being audited and documentation of associated tax payments.	_____	_____	_____
.6) Copies of Forms 1096 and 1099 filed for the year being audited.	_____	_____	_____
.a) Determine whether these agree to related records.	_____	_____	_____
.b) Determine whether independent contractor agreements exist and, if so, consider obtaining copies.	_____	_____	_____
.7) Copies of Forms W-3 and W-2 filed for the year being audited.	_____	_____	_____
.a) Determine whether these agree to related records.	_____	_____	_____
.8) If qualified employee benefit plans exist, obtain:			
.a) Copies of series 5500 forms filed for the year being audited.	_____	_____	_____
.b) The determination letter for each qualified plan.	_____	_____	_____
.9) Forms 8300 provided or received for cash transactions of \$10,000 or more.	_____	_____	_____
.10) Copies of financial statements, including client prepared forms submitted to bank or other creditor.	_____	_____	_____

IRS EXAMINATION GUIDE

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.11) If applicable, copies of loan amortization schedules or other information that details and supports the amounts claimed as interest.	_____	_____	_____
.12) Copies of minutes for a corporation or limited liability company (if required by law or the limited liability company's regulations).	_____	_____	_____
.13) With respect to a field examination of a business entity, consider preparation of background information for the agent that provides:			
.a) Current ownership.	_____	_____	_____
.b) Changes in ownership within the last five years.	_____	_____	_____
.c) Reorganizations and acquisitions within the last five years.	_____	_____	_____
.d) Organizational chart.	_____	_____	_____
.e) Results of prior examinations (including copies of prior audit reports).	_____	_____	_____
.f) For S corporation - schedules of shareholder basis and AAA.	_____	_____	_____
203) If the records listed under Item 202 had not previously been reviewed in connection with preparing the tax return, consider scanning or reviewing to determine that there are no inconsistencies in the return.	_____	_____	_____
204) If any of the aforementioned are not available or usable, determine what can be done to restore or recreate the original documents in either "paper" or electronic form.	_____	_____	_____
.1) If microfilm records are provided, see Rev. Proc. 81-46, 1981-2 C.B. 40 for form and content.	_____	_____	_____
.2) If computer records are provided, and the taxpayer has assets of \$10,000,000 or more, see Rev. Proc. 91-59 for form and content.	_____	_____	_____
.3) Determine a firm deadline for when the records can be produced.	_____	_____	_____
205) Should the client be unable to recreate or obtain copies of the missing documents:			

IRS EXAMINATION GUIDE

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.1) Consider providing approximations through secondary sources and/or collateral evidence under Internal Revenue Manual (IRM) 4244 and Policy Statement P-4-39.	_____	_____	_____
.2) Consider offering oral statements and affidavits under IRM 403(25).	_____	_____	_____
.3) Determine a firm deadline for when the substitute can be produced.	_____	_____	_____
206) If you had not previously spoken with the examining agent, contact them to determine:			
.1) If this is a specialized audit under the following:			
.a) For individuals - "financial status" type audits.	_____	_____	_____
.b) For all taxpayers -			
(i) International Enforcement Program	_____	_____	_____
(ii) Industry Specialization Program	_____	_____	_____
(iii) Non-filer Program	_____	_____	_____
(iv) Return Preparer Program	_____	_____	_____
(v) Classification Settlement Program	_____	_____	_____
.c) For corporate taxpayers only - Coordinated Examination Program.	_____	_____	_____
.2) If determined to be a specialized audit, consider reviewing relevant portions of the Internal Revenue Manual and, if applicable, Market Segment Specialization Program (MSSP) and Industry Specialization Program (ISP) papers and handbooks which are listed at XIV-11.	_____	_____	_____
.3) If determined to be a "financial status" audit, consider reviewing April 1996 <i>Tax Adviser</i> article on IRS financial status audits.	_____	_____	_____
.4) The reason this return was selected for examination.	_____	_____	_____
.5) Issues or particular concerns the agent is aware of at this time. (If unreported income or any other potential for civil fraud or criminal investigation is raised, discuss with client the retention of legal counsel and ongoing representation.)	_____	_____	_____

IRS EXAMINATION GUIDE

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.6) An appropriate start and completion date for the examination.	_____	_____	_____
.7) Request in written form through Form 4564, Information Document Request (IDR), that the agent provide you with a list of information and documents that they wish to inspect at the initial meeting.	_____	_____	_____
207) Determine what will be the best location to conduct the audit. If:			
.1) An office audit - this should either be the IRS office closest to the taxpayer or its representative.	_____	_____	_____
.2) A field examination - the determination should be based on location of the underlying records and documentation and whether the potential for disruption to the client's business warrants operating out of your office.	_____	_____	_____
208) Determine if the same issues were examined in either of the two years preceding the audit year with no changes or small tax changes reported.	_____	_____	_____
.1) If so, discuss with the agent the potential for suspending the audit on the basis of a "repetitive examination" under IRM 4241 policies or "confining" the scope of the examination to new or different issues from those that have previously been audited. Note: the repetitive examination exception does not apply to:			
.a) A business return or an individual return with a Schedule C or F.	_____	_____	_____
.b) Scanning of returns in an office audit without questions being asked by the tax auditor is not considered to be an examination.	_____	_____	_____
.c) A Compliance Check is not considered to be an audit or an examination.	_____	_____	_____
209) Consider applying for repetitive examination treatment where the auditor has surveyed or examined a return of the same taxpayer for any of the three preceding tax periods unless there was an intervening survey or examination by another auditor.	_____	_____	_____
210) If you have missing or unusable records, consider disclosing that information and an alternative timetable, if necessary, in accordance with what you determined under Item 203 or 204.	_____	_____	_____

IRS EXAMINATION GUIDE

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
300) DURING THE AUDIT			
301) For field examinations, establish the following with the agent at the initial meeting:			
.1) If you do not personally know the agent, ask for identification to verify that he/she is not a "special agent."	_____	_____	_____
.2) A place where he/she may work.	_____	_____	_____
.3) Set hours in which he/she will have access to the office and any other relevant items such as parking and transportation and areas that are off-limits, etc.	_____	_____	_____
.4) Identify the primary contact person that the agent will deal with. If possible, a secondary contact with client familiarity should be designated.	_____	_____	_____
.5) Reconfirm the timetable for the audit.	_____	_____	_____
.6) Agree to information and document requests being made in writing on Form 4564, Information Document Request, with mutually agreeable deadlines for production of information that will conform with the prior timetable.	_____	_____	_____
302) Consider requesting that the agent save information requests and questions until they have completed the review of information you provided (unless the issue or information is so significant that it impedes further work by the agent).	_____	_____	_____
303) Maintain a chronological log or other record of all records, files, and workpapers provided to the agent. Consider having agent provide written indication for receipt of documents.	_____	_____	_____
304) Obtain a copy of items the agent photocopies. In the case of a field examination, consider designating a copy person through whom the agent may make his/her copy requests. (You should continue to review and approve these copies prior to their release.)	_____	_____	_____
305) Consider discussing the manner in which the agent would prefer the records and information be organized. (At a minimum, all records agreed to be provided should be assembled in good order and available at the agreed upon time.)	_____	_____	_____
306) If the agent has requested a personal interview, determine the reason that the agent feels this is justified. (Under the Taxpayer Bill of Rights, taxpayers are not required to appear for an interview unless a summons has been issued.)	_____	_____	_____

IRS EXAMINATION GUIDE

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.1) Consider whether you can provide (or obtain) any information required without the need for the agent's personal interview with the taxpayer and so inform the agent.	_____	_____	_____
.2) Consider if justification for the interview warrants retention of legal counsel.	_____	_____	_____
.3) If an interview is to be held, request that it be conducted prior to the start of the audit.	_____	_____	_____
.4) Review with the client questions to expect and appropriate responses.	_____	_____	_____
.5) Consider recording the interview. Notice under § 7521(a)(1) should be given the IRS agent.	_____	_____	_____
307) Based on previous agreement with the client, consider disclosing to the agent significant and/or obvious errors present in the return.	_____	_____	_____
308) Consider a case transfer:			
.1) Based upon the agent having a conflict of interest with the taxpayer (see IRM 4015.3(2)).	_____	_____	_____
.2) Due to location of taxpayer's current residence.	_____	_____	_____
.3) Due to the location of the taxpayer's current principal place of business.	_____	_____	_____
.4) Due to the location of the taxpayer's books, records and source documents.	_____	_____	_____
.5) Due to the location where the IRS can perform the examination most efficiently.	_____	_____	_____
.6) Due to other factors which indicate that conducting an examination at a particular location could pose an undue inconvenience to the taxpayer.	_____	_____	_____
309) If a summons is issued during the examination, consider retaining legal counsel on behalf of yourself and recommending that the client retain legal counsel.	_____	_____	_____
310) In order that there be a mutual understanding, request that proposed adjustments be provided in writing and that the agent explain them to you by:			

IRS EXAMINATION GUIDE

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
.1) Showing the relevant factual information.	_____	_____	_____
.2) Providing the mechanical calculations.	_____	_____	_____
.3) Citing or stating the technical authority or basis for the position.	_____	_____	_____
311) In conjunction with 310, determine if the agent is correct with respect to the facts, calculation and authority.	_____	_____	_____
312) Quantify the tax, penalty, and interest associated with:			
.1) Issues that the agent is correct and you agree to.	_____	_____	_____
.2) "Non-interpretive" issues that benefit the taxpayer.	_____	_____	_____
.3) "Interpretive" issues on which the IRS and taxpayer may disagree.	_____	_____	_____
313) If there has been a protracted amount of time between contacts by the agent:			
.1) Determine whether the case has been suspended under IRM 4559.11 by the National Office pursuant to pending litigation on a relevant issue.	_____	_____	_____
.2) Determine if the agent might have referred the case for possible criminal investigation.	_____	_____	_____
314) If the case has been suspended, consider whether you should concede the issue and file a claim for refund.	_____	_____	_____
315) Evaluate the potential for settling the controversial or interpretive issues and costs to pursue.	_____	_____	_____
316) Consider the effect that tolling statutes of limitations may have with respect to the audit.	_____	_____	_____
317) If the agent requests that a series 872 Form, Consent to Extend the Time to Assess Tax, be given, evaluate the consequences of not consenting.	_____	_____	_____
318) Evaluate the effect of taxpayer concessions on subsequent tax years.	_____	_____	_____
319) Discuss the proposed adjustments and examination results with the client and obtain agreement and approval for settlement of issues and amount.	_____	_____	_____

IRS EXAMINATION GUIDE

	<u>DONE</u>	<u>N/A</u>	<u>COMMENTS OR EXPLANATION</u>
320) Request a follow-up meeting with the agent to provide a response to the proposed adjustments.	_____	_____	_____
321) Consider if it is in the client's best interest to provide the agent with a written response to support your position(s).	_____	_____	_____
322) If discussions with the agent are not productive with respect to reasonable positions, consider requesting a meeting with the agent and his/her group manager to resolve the issues at the examination level.	_____	_____	_____
323) Request that a draft of the Revenue Agent's Report (RAR) be provided to confirm that the issues are consistent with prior discussions and agreement.	_____	_____	_____
324) If discrepancies exist with the RAR, bring them to the attention of the agent prior to his/her submission for review, preferably, in writing.	_____	_____	_____
400) WRAP UP AND CONCLUSION			
401) Review the "issued" Revenue Agent's Report for accuracy and consistency.	_____	_____	_____
402) Consider whether Form 870, Waiver of Restrictions on the Assessment and Collection of Deficiency in Tax and Acceptance of Overassessment, should be executed:			
.1) For all adjustments, or	_____	_____	_____
.2) For some of the adjustments.	_____	_____	_____
403) Consider preparing a memorandum outlining issues, associated outcome, recommendations to be made to the client, and summation of the results of the audit.	_____	_____	_____
404) Review the RAR and recommended actions related to Form 870 with the client.	_____	_____	_____
405) If changes are proposed with which the taxpayer disagrees, consider communicating alternative courses of action, associated costs, and probability of success to the client.	_____	_____	_____
406) If changes should be implemented by the client as a result of the examination, consider communicating recommended actions.	_____	_____	_____

IRS EXAMINATION GUIDE

COMMENTS OR EXPLANATIONS

STATE REVENUE DEPARTMENT LISTING

NOTES

Alabama

Department of Revenue
Income Tax Division
P.O. Box 327410
Montgomery, AL 36132-7410
(334) 242-1000
E-mail: henningen@alalinc.net
www.ador.state.al.us/

Alaska

Department of Revenue
State Office Building
P.O. Box 110420
Juneau, AK 99811-0420
(907) 465-2320
www.revenue.state.ak.us

Arizona

Department of Revenue
Attention: Forms
1600 West Monroe Street
Phoenix, AZ 85007-2650
(602) 542-4260

Arkansas

Department of Finance and Administration
Revenue Division
P.O. Box 3628
Little Rock, AR 72203-3628
(501) 682-1100
www.state.ar.us/revenue/rev1.html

California

Franchise Tax Board
Tax Forms Request
P.O. Box 942840
Sacramento, CA 94240-0070
(800) 852-5711
www.ftb.ca.gov

Colorado

Colorado Department of Revenue
1375 Sherman Street
Denver, CO 80261
(303) 232-2416
www.state.co.us

Connecticut

Department of Revenue Services
25 Sigourney Street
Hartford, CT 06106
(860) 297-4900

Delaware

Department of Finance
Division of Revenue
Delaware State Building
820 N. French Street
Wilmington, DE 19801
(302) 577-3300
www.state.de.us/govern/agencies/revenue/revenue.htm

Florida

Department of Revenue
Supply Department
168-A Blountstown Highway
Tallahassee, FL 32304
(904) 488-8422

Georgia

Georgia Income Tax Unit
Department of Revenue
P.O. Box 30334
Atlanta, GA 30334
(404) 656-4293 *or* -4071 *or* -4674
www.state.ga.us/Departments/DOR

Hawaii

First Taxation District
P.O. Box 259
Honolulu, HI 96809
(800) 222-3229
www.hawaii.gov/icsd/tax/tax.htm

Idaho

Idaho State Tax Commission
P.O. Box 36
Boise, ID 83722
(208) 334-7660
www.state.id.us/tax/taxforms.html - Forms only
www.state.id.us/index.html - State Home Page

Illinois

Illinois Department of Revenue
101 W. Jefferson
Springfield, IL 62794
(800) 356-6302 or (217) 782-3336
www.revenue.state.il.us

Indiana

Indiana Department of Revenue
Taxpayer Services Division
Indiana Government Center, North
100 N. Senate Avenue
Indianapolis, IN 46204
(317) 232-2240
www.ai.org/dor

Iowa

Iowa Department of Revenue and Finance
Hoover State Office Building
P.O. Box 10457
Des Moines, IA 50306
(515) 281-3114
E-mail: iadrf@iadr.e-mail.com
www.state.ia.us/government/drf/index.html

Kansas

Department of Revenue
Division of Taxation
Taxpayer Assistance Bureau
P.O. Box 12001
Topeka, KS 66612-2001
(913) 296-4937
www.ink.org/public/kdor

Kentucky

Revenue Cabinet
Property and Mail Service
200 Fair Oaks Lane
Building 2
Frankfort, KY 40602
(502) 564-3658
www.state.ky.us/agencies/revenue/revhome.htm

Louisiana

Department of Revenue
P.O. Box 201
Baton Rouge, LA 70821
(504) 925-7532
www.rev.state.la.us

Maine

Maine Revenue Service
Income Tax Division
State Office Building
Station 24
Augusta, ME 04332
(207) 626-8475
www.state.me.us/revenue

Maryland

Comptroller of the Treasury
Revenue Administration
110 Carroll Street
Annapolis, MD 21411
(410) 974-3981 *or* 800-MDTAXES
www.comp.state.md.us

Massachusetts

Massachusetts Department of Revenue
Customer Service Bureau
P.O. Box 7010
Boston, MA 02204
(617) 887-6367
www.magnet.state.ma.us/dor/dorpg.htm

Michigan

Michigan Department of the Treasury
Revenue Administrative Services
The Treasury Building
430 W. Allegan Street
Lansing, MI 48922
(800) 367-6263 or (517) 373-3200

Minnesota

Minnesota Department of Revenue
Mail Station 4450
St. Paul, MN 55146-4450
(800) 652-9094 or (612) 296-3781
www.taxes.state.mn.us

Mississippi

Mississippi State Tax Commission
750 South Galatin
Jackson, MS 39204
(601) 354-6247 or (601) 359-1105

Missouri

Missouri Department of Revenue
P.O. Box 3022
Jefferson City, MO 65105-3022
(800) 877-6881 or (573) 751-5337
www.state.mo.us/dor/tax

Montana

Montana Department of Revenue
Income Tax Division
P.O. Box 5805
Helena, MT 59604
(406) 444-2837
www.mt.gov/revenue/rev.htm

Nebraska

Nebraska Department of Revenue
Box 94818
Lincoln, NE 68509-4818
(800) 742-7474/Jo Voelker or (402) 471-2971
www.nol.org/revenue

Nevada

State of Nevada
Department of Taxation
Capitol Complex
Carson City, NV 89710-0003
(702) 687-4892

New Hampshire

Department of Revenue Administration
State of New Hampshire
61 South Spring Street
Concord, NH 03301
(603) 271-2191
www.state.nh.us/

New Jersey

NJ Division of Taxation
P.O. Box 269
Trenton, NJ 08646-0269
(609) 292-7613
www.state.nj.us/treasury/taxation/

New Mexico

Taxation and Revenue Department
Revenue Division
P.O. Box 630
Santa Fe, NM 87504-0630
(505) 827-0700
www.state.nm.us/tax

New York City

NYC Department of Finance
Bureau of Tax Collection
25 Elm Place
Brooklyn, NY 11201
(718) 935-6739 or 6000 -- Tax Fax (718) 935-6114
www.ci.nyc.ny.us

New York State

Department of Taxation and Finance
Taxpayer Services Division
W. Averell Harriman Campus
Building 9, Room 104
Albany, NY 12227
(800) 462-8100
www.tax.state.ny.us

North Carolina

NC Department of Revenue
P.O. Box 25000
501 N. Wilmington Street
Raleigh, NC 27640
(919) 733-4684
www.dor.state.nc.us/dor/

North Dakota

Office of State Tax Commissioner
State Capitol
600 East Boulevard Avenue
Bismark, ND 58505-0599
(701) 328-3017

Ohio

Department of Taxation
Income Tax Division
P.O. Box 2476
Columbus, OH 43216-2476
(614) 433-7750
www.state.oh.us/tax/

Oklahoma

Oklahoma Tax Commission
Income Tax Division
2501 Lincoln Boulevard
Oklahoma City, OK 73194
(405) 521-3108

Oregon

Oregon Department of Revenue
955 Center Street, N.E.
Salem, OR 97310
(503) 378-4988
www.dor.state.or.us

Pennsylvania

Commonwealth of Pennsylvania
Department of Revenue
Strawberry Square, 11th Floor
Harrisburg, PA 17128-1100
(717) 787-8201
1-888-PATAXES - Fact & Information Line (automated)
1-800-362-2050 - 24-Hour Tax Form Ordering
www.revenue.state.pa.us

Rhode Island

Rhode Island Division of Taxation
1 Capitol Hill
Providence, RI 02908-5800
(401) 277-3934
www.tax.state.ri.us

South Carolina

South Carolina Tax Commission
Individual Income Tax Division
P.O. Box 125
Columbia, SC 29214
(803) 737-5000
www.dor.state.sc.us

South Dakota

SD Department of Revenue
445 E. Capitol Drive
Pierre, SD 57501-3185
(605) 773-5141
www.state.sd.us/state/executive/revenue/revenue.html

Tennessee

Department of Revenue
Andrew Jackson State Office Building
500 Deaderick Street
3rd Floor
Nashville, TN 37242
(615) 741-2594
www.state.tn.us/revenue

Texas

Comptroller of Public Accountants
State of Texas
111 West 6th
Starr Building
Austin, TX 78701
(512) 463-4600
www.window.state.tx.us

Utah

Utah State Tax Commission
210 North 1950 West
Salt Lake City, UT 84134
(801) 297-2200
www.tax.ex.state.ut.us

Vermont

Vermont Department of Taxes
109 State Street
Montpelier, VT 05609
(802) 828-2515

Virginia

Department of Taxation
Taxpayers Assistance
P.O. Box 1880
Richmond, VA 23282-1880
Attn: Forms Division
(804) 367-8031
www.state.va.us/tax/tax.html

Washington

Department of Revenue
P.O. Box 47478
Olympia, WA 98504-7450
(360) 786-6100
(360) 753-5574 - Director's Office
(800) 647-7706 - Taxpayer Info
www.ga.gov/dor/wador.htm

Washington, DC

Government of District of Columbia
Department of Finance and Revenue
300 Indiana Avenue, NW
Room 1046
Washington, DC 20001
(202) 727-6170

West Virginia

West Virginia Department of Tax & Revenue
Taxpayer Services Division
P.O. Box 3784
Charleston, WV 25337-3784
(304) 558-2051
www.wvweb.com/taxrev

Wisconsin

Wisconsin Department of Revenue
Shipping and Mailing Section
P.O. Box 8908
Madison, WI 53708-8908
(608) 266-1961
www.dor.state.wi.us

Wyoming

The State of Wyoming
Revenue Department
Herschler Building
122 West 25th
Cheyenne, WY 82002
(307) 777-7378
www.state.wy.us

Puerto Rico

Commonwealth of Puerto Rico
Department of the Treasury
Internal Revenue Collections Area
Bureau of Income Tax
P.O. Box 2501
San Juan, PR 00902-2501
(809) 721-2020

STATE CORPORATE TAX ISSUES PRACTICE GUIDE

This practice guide was developed by the AICPA State and Local Taxation Committee to inform practitioners about state corporate tax issues, such as **nexus, multistate tax issues, and state net operating loss (NOL) issues**. This guide should be considered in connection with the checklist questions (particularly those in 600) and 700)) contained in the *State Corporation Income Tax Return Checklist* also included in this AICPA *Tax Practice Guides and Checklists* publication package. In addition, practitioners should refer to the *State Tax Return Preparation Guide For All States' CORPORATION State Tax Returns* (also included in this AICPA *Tax Practice Guides and Checklists* publication package) for common problems and unique tax issues concerning each of the states' corporate state tax returns.

Below in this practice guide is a state tax nexus checklist that contains a list of the most frequently asked questions appearing in states' nexus questionnaires. Practitioners should be aware that the weight of interpretation given to specific questions may vary from state to state. However, the list can serve as a practice tool for practitioners in soliciting information from clients and analyzing such information. This guide is intended to be a broad reference tool and an aid in addressing nexus (pages 1-7), multistate (pages 7-13), and state NOL tax issues (pages 13-14), and is not intended to answer the question of whether a specific company has nexus or certain tax obligations in a particular state. It should be noted that there are different nexus standards for the different types of taxes. The laws and policies of each state should be verified for application to specific cases.

I. STATE TAX NEXUS ISSUES -- EXPLANATION AND CHECKLIST

In April 1997, the AICPA State and Local Taxation Committee published a detailed nexus guide with a compilation of nexus checklist questionnaires utilized by each of the fifty states and a summary of specific nexus attributes unique to each of the states. If you would like a free copy of this package, please call the AICPA Order Department at 1-800-862-4272, Dept. #1 and identify yourself as a Tax Division member and request product #061057.]

Nexus describes the amount and degree of business activity that must be present before a state can tax an entity's income. If a taxpayer has nexus in a particular state, the taxpayer must pay and collect/remit taxes in that state. In general, nexus is created for income tax purposes if an entity derives income from sources within the state, owns or leases property in the state, employs personnel in the state in activities that exceed "mere solicitation," or has capital or property in the state. The amount of activity or connection that is necessary to create nexus is defined by state statute or case law and/or regulation and, consequently, tends to vary from state to state. However, all states are limited by Constitutional principles, judicial doctrine and federal law.

Briefly summarized below are: the federal statute governing "protected" activities within a state, relevant issues from two key U.S. Supreme Court cases concerning nexus, and recent activities of the Multistate Tax Commission (MTC) in this area.

1. Public Law 86-272 (15 U.S.C. §381)

Nexus for net income tax purposes is not established merely because sales of tangible personal property are solicited within the states. The states are prohibited under Public Law 86-272 from imposing a tax on or measured by net income when an entity's only connection with the state is the solicitation of orders or sales of tangible personal property, and such orders are accepted and shipped or delivered from outside the state. The Virginia Supreme Court recently ruled (January 1997) in the *National Truck Council* case that delivery in company-owned trucks, standing alone, does not establish nexus for income tax purposes because of the protection afforded by Public Law 86-272. The immunity afforded by this statute does not apply, however, to any corporation incorporated within the taxing state. This immunity only applies for state income tax purposes and, consequently, does not apply to such taxes as sales/use, gross receipts, etc.

STATE CORPORATE TAX ISSUES PRACTICE GUIDE

Under Public Law 86-272, the only immunity accorded is for the solicitation of orders for the sale of tangible personal property. Thus, the solicitation for the sale of real property, intangible property, or services is not provided immunity under Public Law 86-272 and may cause a taxpayer to have nexus in a state where such solicitation occurs. The issue of “economic nexus” in the case of service providers with no physical presence in the state remains unresolved.

For more information on the jurisdiction to tax, refer to State Taxation, by Jerome R. and Walter Hellerstein.

2. Physical Presence

Historically, cases brought before the U.S. Supreme Court relating to nexus involved factual situations in which the taxpayer had a degree of physical presence in the state seeking to impose its tax. In *Quill Corp. v. North Dakota*, 112 S.Ct. 1904 (1992), the U.S. Supreme Court ruled that the Commerce Clause mandated that, absent action by the U.S. Congress to the contrary, a taxpayer must have some physical presence in a state to be subject to collection responsibility for the state's use tax (*Quill* at 1914). Although *Quill* deals with use tax, the Court's discussion of the general Due Process and Commerce Clause Constitutional principles of nexus opinion sheds some light on their application to franchise and income taxes.

The South Carolina Supreme Court, in *Geoffrey, Inc. v. South Carolina Tax Commission*, 437 S.E.2d 13 (S.C. 1993) held that a Delaware holding company that owned only intangible property used in South Carolina was subject to income tax. The court rejected Geoffrey's claim that it had not purposefully directed its activities toward South Carolina's economic forum and held that by licensing intangibles for use in the state and receiving income in exchange for their use, Geoffrey had the minimum connection and substantial nexus with South Carolina required by the Due Process Clause and the Commerce Clause of the U.S. Constitution. In addition, Geoffrey's receivables were found to have a business situs in South Carolina. The U.S. Supreme Court subsequently denied certiorari in *Geoffrey* (114 S.Ct. 50 - 1993), making the case applicable only in the state of South Carolina. Many states, however, have incorporated through statute or regulation the principles of economic nexus outlined in *Geoffrey* regarding intangibles in the nature of trademarks and trade names. Practitioners with clients having intangibles should review any recent changes in the applicable state laws and regulations in this area.

3. Solicitation

Under Public Law 86-272 (15 U.S.C. §381), an activity is immune from net income taxation if it consists merely of solicitation of sales of tangible personal property. The term “solicitation” is not defined by Public Law 86-272, however, the U.S. Supreme Court in *Wisconsin Dept. of Rev. v. William Wrigley, Jr. Co.*, 112 S. Ct. 2447 (1992) (*Wrigley*) interpreted this term. In finding that Wrigley's activities in Wisconsin exceeded the protection of Public Law 86-272, the Court held that the solicitation of orders includes "any explicit verbal request for orders and any speech or conduct that implicitly invites an order." The clear line is the one between those activities that serve no independent business function apart from their connection to the soliciting of orders and those that the company would have reason to engage in anyway but chooses to perform through its in-state sales force. The Court affirmed the *de minimis* principle of Public Law 86-272 in holding that to lose the immunity afforded by Public Law 86-272, the activity must establish a nontrivial additional connection with the taxing state. In the aggregate, though minimal in comparison to Wrigley's total solicitation activities in the state, the non-immune activities exceeded the *de minimis* standard in the aggregate. Practitioners should consider whether activities other than solicitation are more than *de minimis* in a particular state.

STATE CORPORATE TAX ISSUES PRACTICE GUIDE

4. Multistate Tax Commission (MTC) Guidance to the States

The MTC has issued lengthy guidance under P.L. 86-272: Information Concerning Practices of Multistate Tax Commission States Under Public Law 86-272 (adopted 7/11/86), Statement of Information of Multistate Tax Commission and Signatory States Under Public Law 86-272 as Revised January 22, 1993, and Statement of Information of Multistate Tax Commission and Signatory States Under Public Law 86-272 as Adopted July 29, 1994.

Working together through the MTC, twenty-six states issued Nexus Program Bulletin 95-1 (12/20/95) targeting the computer direct marketing industry. The bulletin takes the position that because in-state repair services are not immune from taxation by reason of P.L. 86-272, the use of independent contractors or other representatives of a computer company to provide such repair services creates nexus for the computer company. Although the nature of the bulletin is informative and educational rather than regulatory, it has been met much opposition from industry and mixed reaction from the states. In fact, California has rejected the bulletin as a policy statement. The California State Board of Equalization (BOE) voted on March 14, 1996 to rescind California's inclusion on the list of 26 states that have adopted MTC Bulletin 95-1.

In addition, the MTC is working on a draft Nexus Guideline for Application of a Taxing State's Sales and Use Tax to a Remote Seller. The AICPA State and Local Tax Committee commented on the 10/25/94 draft of these regulations on April 12, 1995. The committee objected to the concept of "deemed physical presence" and the notion that an interest in intangible property could create physical or deemed physical presence. Since then, the MTC has issued a new working draft that seeks to establish the constitutional nexus guidelines for application of a state sales and use tax to an out of state business (3/97). The MTC has asked for comments regarding the draft guidelines. The guidelines are still in the process of development (with a public participation working group, including an AICPA representative working on the guidelines) and are not expected to become final until at least April 1988.

The MTC also assists businesses involved in multistate commerce in voluntarily resolving potential state sales/use and income/franchise tax liabilities where nexus is the central issue. The program acts as a coordinator through which companies may approach 32 member states (AL, AZ, AR, CA, CO, CT, DC, FL, HI, ID, IA, KS, KY, ME, MD, MA, MI, MN, MO, MT, NE, NH, NJ, NM, ND, OH, SC, SD, TX, UT, WA, WI) anonymously and seek resolution of potential liabilities arising from past activities. It is the strict policy of the National Nexus Program member states and the MTC that they will not reveal the identity of a taxpayer to any state that does not accept the voluntary disclosure agreement. For further information on this program, refer to the AICPA *State Tax Nexus Checklist/Practice Guide*, or contact the MTC at 202-508-3800. We note that experience has shown that taxpayers may be able to negotiate a better arrangement directly with individual states.

Conclusion

The issue of nexus for sales/use and for income tax purposes is a complex one. As evidenced by the nexus questionnaires included in this checklist package, there is a tremendous degree of inconsistency among the states. The large number of court cases in this area highlight the fact that the Due Process and Commerce Clause analysis is largely dependent on the specific facts and circumstances of each case. Among the state court systems, emerging issues, such as agency nexus, affiliate nexus, electronic nexus, and economic nexus, evolve in the ever changing market place. This guide is meant as a broad reference tool in highlighting those areas that the individual states have deemed to create nexus within the state for purposes of subjecting the entity to taxation in the state.

STATE CORPORATE TAX ISSUES PRACTICE GUIDE

State Tax Nexus Checklist -- Frequently Asked Questions on State Nexus Questionnaires

	<u>YES</u>	<u>NO</u>	<u>COMMENTS OR EXPLANATION</u>
1) Is the business qualified to do business in the state?	_____	_____	_____
2) Is the business currently filing with the state (specify type of tax)?	_____	_____	_____
3) Does the business have an office, agency, warehouse, or other business location owned or leased in the state?	_____	_____	_____
4) Does the business maintain a telephone answering service in the state?	_____	_____	_____
5) Does the business own or lease real property in the state?	_____	_____	_____
6) Does the business own or lease tangible personal property located in the state?	_____	_____	_____
7) Does the business rent or lease tangible personal property to others who then use the property in the state?	_____	_____	_____
8) Does the business license intangible property for use in the state?	_____	_____	_____
9) Does the business license software for use in the state?	_____	_____	_____
10) Has the business ever executed contracts in the state?	_____	_____	_____
11) Does the business have employees or representatives who perform any of the following activities in the state:	_____	_____	_____
a) Solicit orders with or without authority to approve?	_____	_____	_____
b) Engage in managerial or research activities?	_____	_____	_____
c) Secure deposits on sales?	_____	_____	_____
d) Make collections on regular or delinquent accounts?	_____	_____	_____
e) Repossess items or property of the business?	_____	_____	_____
f) Offer technical assistance and training to purchasers of its products before or after the sale?	_____	_____	_____
g) Repair, service, or replace faulty or damaged goods?	_____	_____	_____
h) Install or assemble its products?	_____	_____	_____
i) Does the business license software for use in the state?	_____	_____	_____

STATE CORPORATE TAX ISSUES PRACTICE GUIDE

	<u>YES</u>	<u>NO</u>	<u>COMMENTS OR EXPLANATION</u>
j) Inspect the installations of the business' products by its customers or users of its products?	_____	_____	_____
k) Pick up or verify destruction or damaged or returned merchandise from customers or users of the business' products?	_____	_____	_____
l) Coordinate delivery of merchandise, whether or not special promotions are involved?	_____	_____	_____
m) Distribute replacement parts?	_____	_____	_____
n) Conduct credit investigations or arrange for credit and financing for purchasers of its products?	_____	_____	_____
o) Rectify or assist in rectifying any product, credit, shipping or similar complaint arising from the purchase or use of its products?	_____	_____	_____
p) Service or maintain displays of its products?	_____	_____	_____
q) Accept returned merchandise for customers?	_____	_____	_____
r) Selling of tangible personal property?	_____	_____	_____
s) Make "on the spot" sales of company products?	_____	_____	_____
t) Carry out engineering or design functions?	_____	_____	_____
u) Advise customers or distributors as to minimum inventory levels, remove obsolete, damaged or outdated goods?	_____	_____	_____
v) Process complaints?	_____	_____	_____
12) Does the business have a standard form of written agreement with sales representatives? If so, please enclose a copy.	_____	_____	_____
13) Is the business a member of an affiliated group of corporations? If so, does the business file a consolidated or combined return in the state?	_____	_____	_____
14) Does the business have display merchandise in leased space in the state?	_____	_____	_____
15) Do employees have samples in the state? If yes, then state the average value thereof.	_____	_____	_____
16) Does the business reserve the right of inspection of the customer's facilities or products after delivery?	_____	_____	_____

STATE CORPORATE TAX ISSUES PRACTICE GUIDE

	<u>YES</u>	<u>NO</u>	<u>COMMENTS OR EXPLANATION</u>
17) Does the business provide sales or service manuals to customers, distributors, or agents?	_____	_____	_____
18) Does the business advertise in the state? If so, list the different advertising media use.	_____	_____	_____
19) Does the business do any localized advertising (cooperative or otherwise) in the state?	_____	_____	_____
20) Does the business have any employees or representatives who use their home in state:	_____	_____	_____
a) As a business address?	_____	_____	_____
b) To receive business callers?	_____	_____	_____
c) To store inventory?	_____	_____	_____
d) To maintain books/records?	_____	_____	_____
e) To maintain company property?	_____	_____	_____
21) Are employees reimbursed for telephone, fax or utilities expenses?	_____	_____	_____
22) Are home numbers listed in local advertisements of the business?	_____	_____	_____
23) Do employees of the company solicit orders for the sale of:	_____	_____	_____
a) Real estate?	_____	_____	_____
b) Services?	_____	_____	_____
c) Intangible property?	_____	_____	_____
24) Does the business perform construction contracts in the state?	_____	_____	_____
25) Is the business listed in any telephone directories in the state?	_____	_____	_____
26) Does the business have any consigned stock of goods in the state?	_____	_____	_____
27) Does the business operate a mobile store in the state?	_____	_____	_____
28) Has the business previously filed income tax returns in the state?	_____	_____	_____
29) Does the business maintain a security interest/mortgage in property until the contract price or amount borrowed has been paid?	_____	_____	_____

STATE CORPORATE TAX ISSUES PRACTICE GUIDE

	<u>YES</u>	<u>NO</u>	<u>COMMENTS OR EXPLANATION</u>
30) Do employees either investigate, recommend, or appoint potential dealers, agents, or distributors of the company in the state?	<hr/>	<hr/>	<hr/>
31) Do employees ever check the inventories of customers or distributors in the state?	<hr/>	<hr/>	<hr/>
32) Do employees authorize credits, warrant adjustments or repairs in the state?	<hr/>	<hr/>	<hr/>
33) Does the business have agents or independent contractors selling products in the state? If so, are they forbidden from selling or promoting competitors' services?	<hr/>	<hr/>	<hr/>
34) Does the business give approval to servicing distributors and dealers within the state where customers can have products serviced or repaired?	<hr/>	<hr/>	<hr/>
35) Does the business participate in a partnership, as general or limited partner, which has operations, conducts business, or owns real property in the state?	<hr/>	<hr/>	<hr/>

II. MULTISTATE TAX ISSUES -- EXPLANATION

There are three methods of dividing the income tax base of a multistate corporation among the states in which it is taxable: (1) separate accounting, (2) specific allocation, and (3) formulary apportionment.

1. SEPARATE ACCOUNTING

Under the separate accounting method, the activities of a corporation within a state are considered separate and distinct from those outside the state. The corporation attempts to source each item of revenue and expense to the state where it was generated.

Because it has several major weaknesses, separate geographical accounting in the state tax area (once the preferable method for determining the income of a corporation) is now used only in limited instances. Its primary weaknesses are the lack of accuracy and ease of manipulation.

2. SPECIFIC ALLOCATION

Under the specific allocation method, while certain types of income are traced to their source or other connection with a state and attributed solely to that state, other types of income are apportioned among the states where the corporation is doing business. In most states, income that is classified as nonbusiness may be specifically allocated and income that is classified as business may be subject to apportionment.

A. Business v. Nonbusiness Income

The distinction between business and nonbusiness income is significant because while nonbusiness income is allocable to a specific state (either the taxpayer's state of commercial domicile or the situs of the property), business income will be subject to apportionment and will be divided among the states in which the multistate taxpayer does business based on a mathematical apportionment formula.

STATE CORPORATE TAX ISSUES PRACTICE GUIDE

The three main methods used to determine whether income is business or nonbusiness are:

- 1) UDITPA Definitions of Business and Nonbusiness Income;
- 2) MTC Regulations (when adopted by a state); and
- 3) United States Supreme Court cases.

1) UDITPA Definitions of Business and Nonbusiness Income

Under UDITPA, business income is defined as income that arises from transactions and activities in the regular course of the taxpayer's trade or business and includes income from tangible and intangible property if the acquisition, management, and disposition of the property constitute integral parts of the taxpayer's regular trade or business operations. UDITPA §1(a). UDITPA defines nonbusiness income as all income *other than* business income. UDITPA §1(e).

Most states interpret the UDITPA (Uniform Division of Income for Tax Purposes Act) definition of business income as incorporating two tests for determining whether income is business income. The tests are referred to as the "transactional test" and the "functional test." Most states take the position that if income is classified as business income under *either* test, the income will be classified as business income. However, the courts of several states have interpreted the UDITPA language as requiring both tests be satisfied in order to classify income as business income.

a. Transactional Test

Under the transactional test, income is considered business income if it arises from "transactions and activities in the regular course of the taxpayer's trade or business." The focus is on the *type of transaction* giving rise to the income, and how the transaction relates to the taxpayer's regular trade or business.

Example: The sale of a factory by a manufacturer normally would be considered unusual, extraordinary, and occurring outside the normal course of business. As such, the gain would be considered nonbusiness income under the transactional test.

b. Functional Test

Under the functional test, income is considered business income if the acquisition, management, and disposition of the asset that generates the income constitute integral parts of the taxpayer's regular trade or business operations. The functional test focuses on the *relationship* between the asset giving rise to the taxable income, and the business itself.

Example: Gain or loss on the sale of a factory by a manufacturer likely would be considered business income under the functional test because the factory was acquired and used in the taxpayer's regular trade or business.

2) MTC Regulations

Under the Multistate Tax Commission (MTC) regulations, which interpret UDITPA, there is a presumption in favor of classifying income as business income. According to the MTC regulations, "the income of a taxpayer is business income unless clearly classifiable as nonbusiness income." MTC Reg. §IV.1.(a). The following are examples of business income under the MTC Regulations:

- Rents received from property "used" in or "incidental [to]" the taxpayer's trade or business.
- Gains and losses from dispositions of real or personal property if the property was used in the taxpayer's trade or business.
- Interest, if the intangible generating the interest is used or arose from the trade or business or where the purpose for acquiring and holding the intangible is related to or incidental to such trade or business operations.

STATE CORPORATE TAX ISSUES PRACTICE GUIDE

- Dividends, if the stock arose out of or was acquired in the regular course of the taxpayer's trade or business operations or where the purpose for acquiring and holding the stock is related to or incidental to the taxpayer's trade or business.
- Patent and copyright royalties are business income if the patent or copyright arose out of or was created in the regular course of the taxpayer's trade or business operations or where the purpose for acquiring and holding the patent or copyright is related to or incidental to such trade or business operations.

3) The United States Supreme Court

In addition to the rules under UDITPA and the MTC regulations, the U.S. Supreme Court has adopted another test to determine whether income is subject to apportionment.

In *Allied-Signal, Inc. v. Director, Division of Taxation*, 504 U.S. 768 (1992), the Court held that only income from the taxpayer's unitary business is apportionable income. If the taxpayer's activities and properties are part of a unitary business, income from such activity or property is considered to be derived from the regular course of the taxpayer's trade or business and is deemed to be apportionable income. Income that is unrelated to the taxpayer's unitary business is considered to be income subject to allocation.

However, while affirming the unitary test for determining whether income is apportionable, the Court held that it is not the exclusive means of meeting the constitutional requirements for apportioning income.

The Court introduced the operational versus investment function test. Under this test, a transaction or activity may create apportionable income if it serves an operational, rather than an investment, function. By way of example, the Court pointed out that interest earned by a corporation on short-term bank deposits used as working capital may be apportionable even though the bank and corporation are not engaged in a unitary business. Likewise, income received from stock of a company held by a corporation to ensure a steady supply of raw materials for the corporation's production process would presumably constitute apportionable income even if the supplier was not part of the taxpayer's unitary business. Similarly, income from stock investments that constitute interim uses of idle funds accumulated for future business operations would apparently constitute apportionable income.

As in *ASARCO v. Idaho State Tax Comm'n*, 458 U.S. 307 (1982), the Court rejected a "business purpose" test, stating that the mere fact that an intangible asset was acquired pursuant to a long-term corporate strategy of acquisitions and dispositions does not convert an otherwise passive investment into an operational function.

B. Allocation Of Nonbusiness Income

Once income has been classified as nonbusiness, the next step is determining to which state it is allocated. Generally, the income is sourced to the state in which the property is located (for tangible assets) or to the taxpayer's commercial domicile (for intangible assets).

1) Commercial Domicile

Depending on the taxpayer, the identification of a taxpayer's state of commercial domicile can be a very simple or a more complex process. Under UDITPA §1(b), commercial domicile is defined as the "principal place from which the trade or business of the taxpayer is directed or managed." The criteria that are typically used to determine the commercial domicile of a taxpayer include:

- Site of board of directors' meetings;
- Location of stockholder meetings;
- Location and residence of the officers; and
- Location of corporate records and bank accounts, etc.

STATE CORPORATE TAX ISSUES PRACTICE GUIDE

Although many states apportion business income and allocate nonbusiness income, not all states follow this practice. Some states specifically allocate only specified types of income (e.g., interest, dividends, rents, royalties) and others apportion all types of income except that on which the state is prohibited under the U.S. Constitution from imposing tax - See *Allied Signal*.

3. FORMULARY APPORTIONMENT

As indicated above, certain states apportion income that is classified as "business" income. However, according to the U.S. Supreme Court, the Constitution requires that formulary apportionment be applied only to the income of a unitary business. As the Court states, "[t]he linchpin of apportionability in the field of state taxation is the unitary business principle." *Mobil Oil Corp. v. Commissioner of Taxes*, 445 U.S. 425 (1980).

A. Unitary Business

A number of requirements for determining the scope of a unitary business have developed. In addition to Supreme Court decisions addressing unitary business principles, the following tests devised at the state level have gained widespread applicability: (1) the three unities test, (2) the contribution and dependency test, (3) the Multistate Tax Commission test, and (4) the factors of profitability test. There may also be "unitary" implication for a single corporate entity in addition to "unitary" implications in relation to a unitary group of affiliated corporations.

1) Three Unities Test

The three unities approach was developed in *Butler Brothers v. McColgan*, 111 P.2d 334, 341 (Cal. 1941), and provides that analytically "the unitary nature of a business is definitely established by the presence of the following circumstances: (1) unity of ownership; (2) unity of operation as evidenced by central purchasing, advertising, accounting, and management divisions; and (3) unity of use in its central executive force and general system of operation."

Unity of ownership refers to a common ownership structure of a business and its affiliates. Although the resolution of this test depends in large part on the particular provisions of each states' law, as a general rule, there must be greater than 50 percent stock ownership before a group of businesses satisfy the unity of ownership requirement.

Unity of operation is evidenced by centralized support functions such as:

- corporate accounting;
- legal;
- personnel;
- purchasing;
- advertising;
- selling; and
- research and development, or other like departments.

Unity of use is apparently shown by a central executive force, and a general system of operations. Although unity of use appears to require executive direction to achieve corporate goals, it is not clear as to what extent control must be exercised by the central executive force.

Although it is hard to differentiate between the unity of operation and unity of use tests, one California decision, *Chase Brass & Copper Co. v. Franchise Tax Board*, 10 Cal. App. 3d 496 (1970), attempted to reconcile the two tests. The unity of operation test refers to the personnel of an organization who furnish auxiliary and advisory services and do not directly participate in production. The unity of use test refers to the personnel who are directly responsible for manufacturing and assembling functions in the various stages of production.

STATE CORPORATE TAX ISSUES PRACTICE GUIDE

2) Contribution and Dependency Test

The contribution and dependency approach was set forth in *Edison California Stores v. McColgan*, 183 P.2d 16 (Cal. 1947). The California Supreme Court stated that where "the operation of the portion of the business done within the state is dependent upon or contributes to the operation of the business without the state, the operations are unitary," 183 P.2d at 24-25.

This test is the one most widely used in determining whether a unitary business exists. Although it does not suffer from the narrow scope of the three unities test, its breadth is also the test's primary weakness because of its inability to identify what elements are important in making a unitary determination.

If any element of operational interdependence, however insubstantial, was sufficient to create a unitary business, then apparently any commonly controlled businesses would constitute a unitary business (*e.g.*, due to common accounting and reporting systems, common officers, common insurance plans) under this test. Thus, for the unitary business concept to have any meaning, some weight apparently must be given to the substantiality of the interdependence.

3) Multistate Tax Commission Test

The Multistate Tax Commission (MTC) has issued guidance on whether the activities of a taxpayer are to be regarded as a single trade or business or separate trades or businesses and, although the regulations speak of the operations of one taxpayer, many states have chosen to apply the rules across legal entities.

According to MTC Reg. §IV.1.(b), any of the following factors creates a strong presumption that the activities of the taxpayer constitute a unitary business:

- Same type of business;
- Steps in a vertical process; and
- Strong centralized management.

4) Factors of Profitability Test

In *Mobil Oil Corp. v. Vermont Tax Commissioner*, 445 U.S. 425 (1980), the U.S. Supreme Court held that the income of a multistate business can be apportioned if its intra-state and out-of-state activities form a part of a unitary business. In *Mobil*, the Court set out the following factors, which have become the basis of determining whether a business is unitary:

- functional integration;
- centralization of management; and
- economies of scale.

B. Apportionment Formulas

Under formulary apportionment, there is no attempt to trace items of income to the state in which the income was generated. Rather, a formula is used to arrive at an accurate approximation. Formulary apportionment divides a multistate corporation's tax base among the states in which it does business by applying a fraction representing the ratio of in-state factors to total factors. Formulary apportionment merely approximates the amount of income of a business that should be attributed to a particular state. Dividing the income of a corporation by the use of a statutory formula provides a rough approximation of the corporation's income that is reasonably attributable to the corporation's operations in the state.

STATE CORPORATE TAX ISSUES PRACTICE GUIDE

The fact that a corporation has sales in other states does not automatically mean the corporation has the right to allocate and apportion its income. Most states do not permit a corporation to allocate or apportion its income to other states unless the corporation is taxable in another state. Some states require that the corporation actually file an income tax return with at least one other state before the corporation has the right to allocate and apportion its income.

The method most frequently used to apportion business income to a particular state uses a three-factor formula that compares the ratio of in-state to overall property, payroll, and sales.

Although most states use the standard evenly-weighted, three-factor formula, certain states incorporate formulas that deviate slightly from the standard formula. For example, a majority of states assign more weight to the sales factor than the other two factors (i.e., double weight the sales factor) or use a formula with less than three factors (two-factor or single-factor formulas). In addition, some states provide different formulas depending upon the taxpayer's industry.

Generally, in determining the apportionment formula, the sum of the factors is divided by no more than the number of applicable factors. Therefore, if one or more of the factors is not present for the total operations of a corporation (i.e., the denominator of the factor is zero), the average apportionment typically is determined by dividing the sum of the factors by the number of the factors present. For example, for a state that has adopted an evenly-weighted three-factor formula, if either the sales, property or payroll factors are not present, the apportionment formula is determined by dividing the sum of the remaining two factors by two.

In general, a taxpayer first ascertains the income that is to be apportioned (and then multiplies this amount by the arithmetical average of three ratios:

- in-state property to total property;
- in-state payroll to total payroll; and
- in-state sales to total sales.

1) Property Factor

In general, the property factor consists of the taxpayer's real and tangible personal property owned or rented and used during the tax period in the regular course of the taxpayer's trade or business. Intangible property is not usually included in the property factor. Additionally, only property used to produce business income, not property that produces nonbusiness income, is included in the property factor. Property owned typically is valued at its average (beginning of year and end of year) cost. Rented property usually is valued at eight times its annual rental.

2) Payroll Factor

In general, the payroll factor consists of compensation paid by the taxpayer in the regular course of its trade or business during the tax period. Compensation consists of:

- taxable wages
- salaries;
- commissions; and
- any other form of remuneration paid to employees for personal services, (but does not include amounts paid to independent contractors).

Some states exclude officers' compensation from the payroll factor.

3) Sales Factor

In general, the sales factor consists of all gross receipts from transactions and activities in the regular course of the taxpayer's trade or business. The sales factor normally includes, but is not limited to the following:

- gross sales (less returns and allowances)
- fees and commissions received from the performance of services;

STATE CORPORATE TAX ISSUES PRACTICE GUIDE

- rents and lease payments received from renting real or tangible property;
- proceeds from the disposition of other tangible and intangible assets; and
- royalties and other payments received from the sale, assignment, or licensing of intangible personal property such as patents and copyrights.

In order to prevent certain receipts from escaping inclusion in any state's sales factor numerator, many states incorporate the "throwback" rule. Sales to a destination state where the seller is not taxable (*e.g.*, because its activities do not exceed solicitation under P.L. 86-272) are "thrown back" to the numerator of the state from which the goods were shipped.

III. NET OPERATING LOSSES (NOLs) STATE TAX ISSUES -- EXPLANATION

Most states permit a deduction for NOLs. While some states explicitly adopt the federal NOL deduction by using line 30 of federal Form 1120 (taxable income after the NOL deduction and special deductions) without modification as the starting point for computing state taxable income, others use line 30 as the starting point of the state tax calculation, but add back the federal NOL deduction and provide a specific computation of the state NOL deduction. Still other states begin the tax calculation with line 28 of the federal return (taxable income before NOL deduction and special deductions) and provide their own set of rules for determining the NOL deduction. These states typically permit a state-level NOL deduction that generally parallels the federal approach.

The most common variation in determining state NOLs involves the determination of the period of carryback and carryforward. Many states do not follow the federal rules under I.R.C. §172. Approximately 15 states limit the carryforward period, while approximately 20 states do not allow NOL carrybacks at all. Note that federal and state NOL periods may not match because the taxpayer may not have been doing business in the state in the loss year, or because the NOL arose before the state began imposing the tax.

Regardless of conformity to line 28 or 30, the state NOL and the amount of carryback or carryover allowed may differ from the federal amount as a result of state adjustments (modifications), the application of apportionment factors, whether the corporation was subject to the state's tax in the loss year, and the segregation of business and nonbusiness income (*i.e.*, allocation of nonbusiness income and the apportionment of business income).

Some states require that the NOL be carried over from the loss year after allocation and apportionment. These states provide that the NOL deduction should be applied in the carryover year after allocation and apportionment. This permits only the loss attributable to that state to be carried over against income from that state.

In determining the amount of NOLs in states that compute NOLs on a post-apportionment basis, a state may use the apportionment factor in the loss year or the apportionment factor in the year the loss is utilized. Other states, however, allow the NOL computation to be made before apportionment and permit the deduction to be applied in the carryover year before apportionment.

A few states permit an affiliated group of corporations to file a consolidated state return rather than separate returns for each affiliated corporation if the requirements of the Internal Revenue Code and state law are satisfied. Even if consolidated returns are filed at both the federal and state levels, the calculation of the NOL deduction for federal and state purposes may differ markedly.

CONSOLIDATED RETURNS

Some states, even in the context of a consolidated filing, may require NOLs to be tracked on a separate company basis.

Some states add their own restrictions on the use of NOLs generated in separate return filing years. A number of states do not permit consolidated returns and hence require affiliated group members filing a consolidated federal return to compute their state NOL deductions on a separate company basis.

STATE CORPORATE TAX ISSUES PRACTICE GUIDE

COMBINED REPORTING

Combined reporting may be elective or required by a state. States that provide for combined reporting differ as to how the NOL computation is to be made.

If a state allows or requires a member of an affiliated group filing a consolidated federal return to file on a separate company basis, the NOL generally is computed as if the member filed on a separate company basis for federal income tax purposes. Thus, the NOLs available for state purposes may differ from those reported on the federal consolidated returns.

Note that each state's definition of consolidated versus combined reporting should be reviewed prior to preparing any state tax returns. Also note that the states vary in their treatment of NOL carryovers after corporate reorganizations, acquisitions, or liquidations.

STATE TAX RETURN PREPARATION GUIDE

For All States' INDIVIDUAL State Tax Returns

Common problems
and unique tax issues
for each state

Prepared by

AICPA State & Local Taxation Committee

STATE TAX RETURN PREPARATION GUIDE

for All States' INDIVIDUAL State Tax Returns

Introduction

This *State Tax Return Preparation Guide* covers individual state tax returns. For each of the fifty states, this guide identifies the most common problems or unique issues concerning each of the states' individual state tax returns. It should provide tax practitioners with the items they should be aware of and consider when preparing individual state tax returns for each state. The laws and policies of each state should be verified for application to specific cases. It is not authoritative and should not be relied upon for a specific taxpayer. Practitioners need to research issues identified in this checklist. Also refer to the *State Individual Income Tax Return Checklist* (also included in this AICPA Tax Practice Guides and Checklists publication package) for state tax return issues and concerns applicable to all states in general.

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We hope this publication is informative. If you have any comments or additional items or suggestions for next year's state tax return preparation guide/checklist, please fax your comments to Eileen Sherr at 202-638-4512, or send an e-mail message to Esherr@AICPA.org.

STATE TAX RETURN PREPARATION GUIDE
For All States' INDIVIDUAL State Tax Returns

Table of Contents

<u>State</u>	<u>Guide Pages</u>
ALABAMA	1
ALASKA	1
ARIZONA	1
ARKANSAS	1
CALIFORNIA	1-2
COLORADO	2
CONNECTICUT	2
DELAWARE	2-3
DISTRICT OF COLUMBIA	3
FLORIDA	3
GEORGIA	3-4
HAWAII	4
IDAHO	4
ILLINOIS	4-5
INDIANA	5
IOWA	5-6
KANSAS	6-7
KENTUCKY	7
LOUISIANA	7
MAINE	7
MARYLAND	7
MASSACHUSETTS	7-8
MICHIGAN	8-9
MINNESOTA	9
MISSISSIPPI	9
MISSOURI	9
MONTANA	9-10
NEBRASKA	10
NEVADA	11
NEW HAMPSHIRE	11
NEW JERSEY	11
NEW MEXICO	11-12
NEW YORK	12
NORTH CAROLINA	12
NORTH DAKOTA	12-13
OHIO	13
OKLAHOMA	13
OREGON	13
PENNSYLVANIA	13-14
RHODE ISLAND	14
SOUTH CAROLINA	14
SOUTH DAKOTA	14
TENNESSEE	14-15
TEXAS	15
UTAH	15
VERMONT	15
VIRGINIA	15-16
WASHINGTON	16
WEST VIRGINIA	16
WISCONSIN	16-17
WYOMING	17

STATE TAX RETURN PREPARATION GUIDE
For All States' INDIVIDUAL State Tax Returns

ALABAMA

1. An Alabama resident who is a 100% shareholder of a foreign S corporation does not have to report the earnings from the S corp on the Alabama return; however, any dividend/distribution from the foreign S corp is taxable to the shareholder on the Alabama return.
2. Alabama allows an itemized deduction for federal FICA tax paid during the year.

ALASKA

1. Alaska does not impose an individual income tax.

ARIZONA

1. For multiple state tax returns, determine the proper amount of income taxed by all states, since this is the amount used in calculating the credit for taxes paid to other states.
2. For multiple state tax returns, determine the proper credit for taxes paid to other states. For example, AZ residents cannot take a tax credit for taxes paid to CA on their AZ return; instead, the credit for AZ taxes paid must be claimed on their nonresident CA return.
3. Nonresidents with capital gain on AZ real property must report that gain to AZ.
4. Nonresident partners and S corp shareholders of entities doing business in AZ are required to file a nonresident return and report their portion of the AZ sourced income.
5. A nonresident beneficiary of a trust must report any income, distributed or distributable, from the trust generated from sources within AZ.
6. AZ residents receiving private pensions from employment in other states are taxable on the full pension income.
7. Installment sale income originating from a non-AZ source at a time when the taxpayer was a nonresident is taxable to AZ when the taxpayer becomes an AZ resident.
8. NOLs incurred by a nonresident from activities occurring outside AZ are not deductible in arriving at AZ income after the taxpayer becomes an AZ resident. If these NOLs were included in federal adjusted gross income, the taxpayer must add the amount of the NOL back to AZ income.
9. Being a community property state, a problem arises when one spouse is an AZ resident and the other spouse is a resident of another community property state. At issue is what income is reported to each state; what deductions are allowed by each state; and on which return should credits be claimed. All of the AZ source income must be reported to AZ along with half of all other income.

ARKANSAS

1. No checklist information is available on this state.

CALIFORNIA

1. Gross income of nonresidents includes only the gross income from sources within California (see R&TC § 17951). Nonresidents are taxed as though they were residents, however, the tax is computed according to a ratio of California-adjusted gross income to total income.

STATE TAX RETURN PREPARATION GUIDE
For All States' INDIVIDUAL State Tax Returns

2. A part-year resident is taxed on income regardless of source during the period of California residence.
3. Income of nonresidents from stocks, bonds, notes, or other intangible personal property is not income from sources within California unless the property has acquired a business situs in the State. A business situs is acquired in this State if the property is employed as capital in California. Generally, the situs of an intangible asset is the state of residence of the owner (see R&TC § 17952).

COLORADO

1. The definition of a resident vs. nonresident is based on the intent of the individual. (Sec. 39-22-103(8))
2. The filing status for the Colorado return must conform to the federal filing status. (Sec. 39-22-107)

CONNECTICUT

1. Dividends from mutual funds comprised of U.S. Treasury interest are deducted from Connecticut adjusted gross income only if the fund contains greater than 50% U.S. Treasury obligations.
2. Connecticut AGI is reduced by gain/increased by loss from sale of a Connecticut municipal bond, including sales of CT muni bond funds.
3. The property tax credit against the personal income tax is available only to residents, not nonresidents.
4. For tax years beginning January 1, 1997, underpayment of estimated tax interest charges will not be applied to underpayments less than \$500. The prior threshold was \$200.
5. S corporation loss (income) is added back to (subtracted from) AGI to the extent apportioned to CT and to the extent of percentage taxed at the corporate level.
6. An alternative minimum tax applies ONLY IF federal AMT is incurred and is the lesser of 19% of adjusted federal tentative minimum tax or 5% of adjusted federal AMTI.
7. Taxable lump sum distributions not included in federal AGI is an addback.
8. Beginning 1/1/97, statutory residents (non-domiciliaries spending 183 days or more in CT) are entitled to credit for taxes paid to other state(s) on any type of income.
9. If one spouse is not a CT resident, resident spouse may file a separate CT return, OR both spouses are also allowed to file jointly if joint federal return was filed.
10. An entry must be made for individual use tax, even if zero.
11. Use CT AGI, not source income, unless source income is greater. For nonresidents or part-year residents, CT income tax is calculated on the higher of CT AGI or CT source income.

DELAWARE

1. The income tax addback does not include city taxes, but includes only state taxes for which a credit is claimed. (Instructions - Line 50)
2. There are deduction limitations for IRAs. (Instructions - Line 30)

STATE TAX RETURN PREPARATION GUIDE
For All States' INDIVIDUAL State Tax Returns

3. There are three limitations for the credit for taxes paid to other states. (Tax Newsgram 72-31)
4. Self-employed health insurance deduction - allowed 100%; additional 70% is itemized deduction. (Tit. 30, §1109(b))
5. If filing a joint federal return but separate Delaware returns, be sure to recompute your itemized deductions for state purposes using the phase-out rules "as if" separate federal returns had been filed.
6. If federal itemized deductions were subject to phase-out, Delaware itemized deductions should only be reduced by the pro-rata amount of state taxes that was not disallowed by the federal phase-out.
7. If filing a joint federal return but separate Delaware returns, the \$25,000 rental real estate allowance under the passive loss limitation rules must be recomputed for state purposes "as if" separate federal returns had been filed.
8. If a part-year resident, the taxpayer can elect to file as either a full year non-resident, or a full year resident.
9. An IRA deduction for a non-working spouse is not allowed if separate Delaware returns are being filed.
10. An IRA deduction for a working spouse is not allowed when separated Delaware returns are filed and the spouse's AGI is over \$10,000. A phase-out is computed for AGI between \$0 and \$10,000.

DISTRICT OF COLUMBIA

1. DC does not require that interest earned on other states' obligations be included in DC taxable income. (DC Code Sec. 47-1803.2(1))
2. Married couples filing separately on a combined return must report income as if separate returns were being filed. However, the deductions may be apportioned in whatever way the couple mutually agrees. (Per the DC Department)
3. Individuals that are part of an unincorporated business are allowed to subtract on DC Form D-line 52 their share of income reported and taxed on a DC franchise or fiduciary tax return. (DC Code Sec. 47-1803.2(a)(2)(B); Instructions to DC Form D-40)
4. Individuals that are part of an unincorporated business must add back on DC Form D-40, line 46 their respective share of deductions (i.e. salary expense) taken by the unincorporated business in calculating its franchise tax. (Instructions to DC Form D-40)
5. DC imposes a franchise (income) tax on unincorporated businesses (DC Code Sec. 47-1810.1(a)(2)). Members and partners are required to report their portion of the unincorporated business' net income on DC Form D20, line 9 (Per the DC Department). The members and partners are allowed a deduction on DC Form D20, line 24 for their portion of the unincorporated business' income that was subject to DC franchise taxation. (Per the DC Department regarding the line for the deduction)
6. The salary expense deduction on DC Form D30, line 30 cannot be in excess of 30% of the unincorporated business' net income not including the salary expense deduction.
7. DC does not impose a personal income tax on nonresident individuals.

FLORIDA

1. Florida does not impose an individual income tax, but does impose an intangibles tax.

GEORGIA

1. Georgia allows for a different residing status for a husband and wife. Separate tax returns can be filed with Georgia.

STATE TAX RETURN PREPARATION GUIDE
For All States' INDIVIDUAL State Tax Returns

2. Georgia taxpayers must attach pages 1 & 2 of their federal returns to Georgia IT-500 if AGI is greater than \$40,000.
3. Georgia taxpayers must add back the state income tax deduction for taxes paid to states other than Georgia. An adjustment is allowed for the effect of the 3% AGI limitation.
4. Georgia allows taxpayers age 62 and older to exclude up to \$12,000 of retirement income.
5. Social Security is not taxable for Georgia purposes.
6. A part year resident has the option of either using the Sch. 3 ratio or a time ratio in computing the Georgia portion of his exemption amount and standard deduction. A nonresident must use the Sch. 3 ratio. A part year resident who itemizes may claim either a percentage of total itemized deductions or the Georgia itemized deductions actually paid while a Georgia resident.
7. Lottery prizes from the Georgia Lottery Corp. are taxable to nonresidents as well as residents of Georgia.
8. Prior year tax exception does not apply if the prior year tax was zero. The prior year exception is based on 70% of the prior year tax. If the 70% test is failed, the underpayment penalty is based on current year tax.
9. Georgia considers interest and dividend income from a Georgia partnership as "business income" subjecting nonresident partners to Georgia filing requirements. In addition, the partnership must generally withhold on distributions to nonresidents.
10. For years after 1991, gain may be deferred on the sale of a principal residence as long as the replacement residence is located in the United States.

HAWAII

1. Certain expenses can be deducted 100% vs. proration for nonresident tax returns. (HRS§235-5 & Administrative Rule 18-235-5-01)
2. Taxes paid to other states or foreign countries can be taken as a deduction as well as a credit (after federal limitation). (HRS §235-55)
3. If the taxpayer owns a business in Hawaii, verify filing of Hawaii general excise and use tax returns.

IDAHO

1. No checklist information is available on this state.

ILLINOIS

1. Compute the new property tax credit which replaced the property tax double subtraction modification from previous years (on the backside of the form).
2. Subtract eligible income streams from qualified plans, retirement income which is not taxed by Illinois.
3. Correctly compute limitations on Schedule CR, which does not allow adjusting from AGI states (like Illinois) to Taxable Income states.
4. Individuals with businesses often miss credits (e.g., inadvertent contributions, federal-state comparison errors, etc.).

STATE TAX RETURN PREPARATION GUIDE
For All States' INDIVIDUAL State Tax Returns

5. Illinois does not tax any federally taxed portion of retirement pensions or annuities, which include payments from qualified employee benefit plans, social security, IRAs, Keogh plans, etc. Early distributions from qualified plans and IRAs are also exempt from Illinois income tax.
6. Do not subtract total military pay. Subtract only the amount of military pay received while an Illinois resident on active duty in the U.S. Armed Forces or Illinois National Guard.
7. Subtract only federally taxed Illinois state income tax refunds on this line. Refunds received from other states are not allowed as a subtraction.
8. If subtracting income from U.S. government obligations received from a money market or mutual fund, attach a copy of the statement received from the mutual fund along with any worksheet showing the calculation of the subtraction for U.S. government interest received from the fund.
9. Income from U.S. government obligations received from a partnership, an S corporation, an estate, or a trust should be reported on line 9 of Form IL-1040, not line 8. Attach to the return a copy of the notification furnished to the taxpayer (Form K-1, etc.) that specifically identifies and details the amount of the subtraction being claimed.
10. Specifically identify the name of the state or local government obligation(s) and the amount of interest received from the obligation for all tax-exempt interest being subtracted on this line. Any tax-exempt income received from a mutual fund is not exempt from Illinois tax. Illinois, with few exceptions, taxes interest received from Illinois municipal obligations.
11. The credit for Illinois Property Tax is allowed only if the taxpayer's principal residence during the prior year was in Illinois. Review the instructions for Form IL-1040, line 20 carefully to ensure that the taxpayer qualifies for this credit.
12. Review the list of required attachments to the return listed on page 2 (back side) of Form IL-1040. If you do not attach the required supporting documents, the entry will be disallowed.

INDIANA

1. Real estate taxes deducted in computing federal AGI must be added back in computing Indiana taxable income.
2. Take the tax credit available for contributions to Indiana colleges/universities.
3. Social Security income which was taxable for federal purposes is not taxable for Indiana purposes.

IOWA

1. Properly allocate income and deductions between spouses on a combined return (a combined return allows each spouse to utilize the Iowa progressive rates).
2. Include the Iowa tuition credit (the income limitation has now been removed).
3. Because Iowa tax is calculated utilizing the same rate table regardless of filing status, it is generally more beneficial for married taxpayers to use "married filing separately on combined return" rather than "married filing jointly."
4. Iowa allows a deduction for 100% of federal income taxes paid during the year.
5. Federal income tax refunds received during the year are taxable.
6. As Iowa does not allow a deduction for federal self-employment taxes paid, any such amounts included in a taxpayer's total federal tax liability must be added back when calculating Iowa taxable income.

STATE TAX RETURN PREPARATION GUIDE
For All States' INDIVIDUAL State Tax Returns

7. If utilizing the filing status "married filing separately on a combined return," an allocation must be made between spouses to calculate the proper deduction for federal taxes paid (utilizing federal taxes withheld and the ratio of each spouse's income not subject to withholding) and federal tax refunds received (based upon prior year Iowa net income).
8. Iowa allows a deduction for 100% of health insurance premiums paid; any premiums deducted in full (on the first page of the return) can not be included in medical expenses deducted as an itemized deduction.
9. Many taxpayers may be able to itemize deductions for Iowa purposes, even though not itemizing on the federal return, due to Iowa's small standard deduction.
10. Iowa allows an exclusion for pension income of \$3,000. for individuals or \$6,000 for married couples filing jointly.
11. Iowa will only tax 50% of social security benefits, not the 85% taxed on the federal return.
12. Iowa allows a greater deduction for charitable mileage than is allowed on the federal return.

KANSAS

1. A nonresident who receives income from Kansas sources must file a Kansas individual income tax return regardless of the amount of Kansas source income.
2. A part-year resident has the option of filing as a resident or a nonresident. Complete the part-year residency dates at the top of the K-40. Use the most beneficial method. If filing as a resident all income is taxed as Kansas and then a credit can be taken for taxes paid to another state. A nonresident will complete Schedule S, Part B to determine the nonresident allocation percentage to compute nonresident tax.
3. A military person stationed in Kansas (if not a Kansas resident) needs to file a nonresident Kansas return only if the person (or spouse if filing jointly) received income from Kansas sources.
4. A nonresident reports income from Kansas sources. This does not include interest, dividends, annuities or gains from the sales or exchange of intangible property (such as bank accounts, stocks or bonds) unless earned by a business, trade, profession or occupation carried on in Kansas.
5. A part-year resident filing as a nonresident includes income, gain, loss or deduction received while a Kansas resident (whether or not from Kansas sources), unemployment compensation derived from sources in Kansas, and any income from Kansas sources while a nonresident of Kansas.
6. Adjustments and modifications to Kansas source income on Schedule S, Part B are allowed only as they apply to income related to Kansas.
7. When there is a deceased taxpayer for which a refund is due, documentation must be attached depending if a surviving spouse is requesting a refund of less than \$100; if a surviving spouse requesting a refund of over \$100 and if a refund of any amount is being requested by someone other than the surviving spouse.
8. Have you considered items for which tax treatment varies between the federal return and the state return?
 - State and municipal interest is not exempt from Kansas tax?
 - Contributions to KPERS?
 - Differences between Federal and Kansas NOL carryovers?
 - Interest from U.S. Government obligations? (Note: Dividend income from mutual funds could include U.S. Treasury interest that needs to be excluded.)
 - Federal civil service annuity?
 - Kansas pension plans exempt from Kansas tax?

STATE TAX RETURN PREPARATION GUIDE
For All States' INDIVIDUAL State Tax Returns

- Railroad retirement benefits?
9. Does client live in an area subject to the intangible tax? (There is a Senior Citizen exemption).
 10. Have you determined the applicability of Kansas Tax Credits?

KENTUCKY

1. Retirement and pension income is partially or fully excludable for KY income tax purposes.
2. The KY estimated tax payment statutes do not appear to strictly require quarterly payments, although they are recommended. It may be possible to avoid estimated tax penalty to the extent the total estimated tax payments are made by January 15 for calendar year filers.
3. Although the foreign tax credit is not available, KY permits a deduction of foreign taxes paid by individuals.
4. KY has a reciprocity system that exempts compensation income earned in certain neighboring states from KY income tax. This exemption does not apply to income other than compensation.
5. KY credit for taxes paid to other states is available to Kentucky full-year and part-year residents but is applicable only to tax paid on income that is taxed in both KY and another state. When KY law exempts income from KY taxable income but another state does not exempt the income, no credit is available for the income tax paid to the other state that was excluded from KY taxable income.
6. Municipal interest income for sources outside of KY is taxable to KY residents.

LOUISIANA

1. Consider deducting the optional federal income tax deduction which is increased by the amount of the foreign tax credit, rather than taking the credit on the Louisiana return (which will be limited to \$25).

MAINE

1. The statutory requirement to add back to federal AGI research expenses included in the basis for the Research Expense Tax Credit has been repealed.

MARYLAND

1. Consider the application of IRC §911 - Foreign earned income and housing exclusions for expatriates.
2. Consider the non-applicability of the annualization method for estimated tax payments.
3. Review the domicile rules and the definition of a Maryland resident.
4. Consider the electronic funds transfer (EFT) payment requirements.
5. Consider the nonresident withholding requirements for partners, S-Corporation shareholders, and LLC members.

MASSACHUSETTS

1. With limited exceptions, there are no itemized deductions available for individuals (e.g., certain medical expenses).

STATE TAX RETURN PREPARATION GUIDE
For All States' INDIVIDUAL State Tax Returns

2. Ordinary business gains (Part A income) cannot be offset by capital (Part C) losses, even if generated by the same trade or business.
3. The IRC is adopted as of January 1, 1988, so later occurring changes to the IRC are not followed by the commonwealth. For example, the depreciation expense for individual income recipients of flow through entities is limited to \$10,000 in MA, under an older version of the IRC, despite the fact that the current IRC §179 limit is \$17,500. Another example is the deduction for meals, which for federal purposes is limited to 50%, but 80% is allowed in MA.
4. Interest from Massachusetts banks is taxed at the rate of 5.95%, while all other interest is taxed at 12%.
5. There is no deduction or credit available for foreign taxes. However, a credit is allowed for taxes paid to other states or Canada.
6. A taxpayer who maintains a permanent place of abode in MA and spends 183 days or more in MA will be taxed as if they were a resident. This includes students who rent off-campus.
7. Sec. 1231 property is included as MA capital asset and is taxed on a sliding percentage based on holding period after January 1, 1995. The longer the property has been held the lower the percentage of tax. Also, the lower the allowable percentage of usable loss.
8. MA gross income is any income effectively connected with any trade or business including employment carried on in MA, the MA lottery, and ownership of real and tangible property in MA.
9. A nonresident does not have a trade or business in MA including employment if their presence in MA is casual, isolated, or inconsequential, defined as (1) presence does not exceed 10 days (unless gross income exceeds \$6,000.), (2) gross income from presence does not exceed \$6,000., (3) the presence is ancillary to the primary business (i.e., an occasional presence for training, conferences, planning, etc.) Note: The business of the partnership is the business of the partner.
10. MA does not allow carryforward of NOLs. Carryforward of suspended passive activity losses are allowed and are computed using the federal rules as if the MA passive activities were the taxpayer's only passive activities. Thus the MA suspended passive activity losses can be greater or lesser for a nonresident than the federal amount.
11. MA does recognize LLCs and S corps as flow through entities. MA also recognizes the new S corps formed under the federal law changes of 1996.

MICHIGAN

1. In order for tuition paid to qualify for the college tuition credit, the school must be a Michigan institution of higher education which certifies that tuition will not increase by more than 3% in the next academic year, and the taxpayer must be a Michigan resident with household income less than \$200,000.
2. One-half of the self-employment tax that was subtracted from federal taxable income must be added back.
3. Income from private pensions or qualifying IRAs are deductible, but limited. In addition, benefits received from retirement annuity policies are deductible up to specified amounts if the payments are made for life to a senior citizen or spouse. However, pension benefits received from public sources are totally deductible.
4. Part year residents are required to pay Michigan income tax on wages earned while a Michigan resident. Deferred compensation and pensions are allocated to the state lived in when received, interest and dividends are allocated to the state of residence regardless of where earned, and moving expenses are allocated to the state of destination.
5. The taxpayer must own and occupy the property on which he claims a homestead property tax credit. A credit may be claimed only for one, primary property.

STATE TAX RETURN PREPARATION GUIDE
For All States' INDIVIDUAL State Tax Returns

6. Income not subject to tax such as social security and disability income is included in household income when computing the allowable homestead property tax credit.
7. Contributions made to a homeless shelter or food bank only qualify for the credit if the payment is made in cash, and the primary purpose is to provide overnight accommodations or food to indigent persons.

MINNESOTA

1. No checklist information is available on this state.

MISSISSIPPI

1. No checklist information is available on this state.

MISSOURI

1. Missouri is a low tax state that allows at least a partial tax deduction. If you have a choice (i.e., part year who resided in the state for more than 30 days) and the other state is not a no income tax state like Texas or Florida, it is usually an advantage to claim Missouri as your resident state.
2. The starting point for the Missouri individual return is federal adjusted gross income. Thus, the lower the federal AGI, the lower the Missouri tax.
3. Missouri avoids the marriage penalty by permitting spouses to apportion income. It is to your advantage to allocate as much income as possible to the spouse who did not have income from the state in the case of a nonresident return or to the spouse with the lower income in the case of a resident return. Investment income from jointly owned property is divided equally.
4. Like most other states, federal AGI is increased for state and local government bond interest (other than Missouri source) and decreased by state income tax refunds. Interest income from certain federal obligations such as U.S. Savings Bonds and U.S. Treasury Bills is not taxable. This modification also applies to interest income from federal obligations passing through mutual funds. Be sure to attach federal interest 1099s and mutual fund year-end statements. Otherwise, Missouri will disallow the modification.
5. In calculating your Missouri itemized deductions, Missouri allows the deduction of Social Security and Medicare withholdings, Railroad retirement tax, and self-employment tax (less the federal deduction of one-half the self-employment tax). A taxpayer cannot itemize on the Missouri return unless they itemized on the federal return. Because of this sizable deduction, it sometimes makes sense to itemize on the federal return even though they would normally claim the standard deduction.
6. Missouri allows a deduction for federal income tax reported on the federal return, including alternative minimum tax and excise taxes on retirement plan distributions. This deduction is limited to \$5,000 (\$10,000 for married filing jointly filers).
7. Nonresidents may reduce their Missouri-source income by an allocable portion of federal adjustments, such as IRA and Keogh contributions and alimony paid.
8. Taxpayers amending Missouri returns should use the regular MO-1040 form for the year being amended. There is no MO-1040X form.

MONTANA

1. Currently, the Dept. of Revenue allows considerable flexibility when allocating itemized deductions between spouses filing separately on a single form. Preparers should consider appropriate allocations that minimize the tax liabilities of married couples. (See generally ARM 42.15.322 and form instructions)

STATE TAX RETURN PREPARATION GUIDE
For All States' INDIVIDUAL State Tax Returns

2. Taxpayers are allowed a deduction in arriving at Montana AGI for all health insurance premiums paid by an employer if reported as income to an employee under federal law. Thus, insurance amounts included in the wages of 2% or greater S Corporation shareholders reduce Montana AGI. (MCA 15-30-111(2)(h))
3. Elderly taxpayers (62 years or older) are entitled to a refundable credit related to property taxes or rent paid if certain conditions are met. (MCA 15-30-172)
4. Montana allows an itemized deduction for one-half of the health insurance premiums paid and all long term care insurance premiums for Montana resident beneficiaries without application of the percentage limitation on medical expenses. (MCA 15-30-121(7))
5. Montana allows an itemized deduction for federal income taxes paid (excluding self-employment tax) in arriving at taxable income. (MCA 15-30-121(2))
6. Montana residents may claim a credit for income taxes paid to another state or foreign country. (MCA 15-30-124)

NEBRASKA

1. If the taxpayer is subject to federal alternative minimum tax, lump sum distributions, or has paid tax on early distributions, the taxpayer may also be subject to Nebraska minimum tax on these items.
2. Consider claiming Nebraska AMT credits.
3. Nebraska statute provides for a special capital gains exclusion relating to gains on sale of stock of a Nebraska corporation with more than five shareholders, two of which must be unrelated and each holding at least 10 percent of the outstanding stock.
4. Nebraska allows for the deduction of U.S. interest, including that derived for regulated investment companies (mutual funds).
5. Nebraska allows for the exclusion of all non-Nebraska S corporation income.
6. If the taxpayer has a refund from a prior year Nebraska return shown as income on the federal return, the amount can be deducted on the Nebraska return. If the taxpayer has no other adjustments increasing or decreasing its Federal AGI, it can deduct this amount on Line 13 of the Form 1040N (and check the box next to it), resulting in not having to attach Sch. 1 to their return.
7. If the client has a business, consider if LB270 or LB775 credits have been earned and, if so, Form 3800N should be filed.
8. Railroad Tier 1 and Tier 2 benefits are allowed as a deduction decreasing federal AGI on the Nebraska return.
9. Total Nebraska tax liability is limited to the federal income tax liability. If federal and Nebraska income taxes are zero, check the box between line 4 & 5, attach a copy of page 1 & 2 of Form 1040 & do not complete Form 1040N line by line.
10. Nebraska standard & itemized deductions are limited when federal AGI is over \$117,950 (or \$58,975 for married filing separately). There is also an additional tax to be calculated when AGIs are over these amounts.
11. Nebraska personal exemption credits are subject to an income phase out. Nebraska residents may elect to deduct from their AGI capital gains on the sale of stock of a qualified corporation acquired either because of employment by the corporation or while the employee was employed by the qualified corporation. This is a one time election during their lifetime for stock of the one qualified corporation that can be used on all sales of that corporation's stock.
12. If the child care credit is claimed on the federal return, a Nebraska credit of 25% of the federal credit is allowed.

STATE TAX RETURN PREPARATION GUIDE
For All States' INDIVIDUAL State Tax Returns

NEVADA

1. Nevada does not impose an individual income tax.

NEW HAMPSHIRE

1. Although no traditional individual income tax is imposed in NH, NH imposes an Interest and Dividends Tax. As a result of recent litigation, all bank interest is now taxable (prior to the litigation NH would exempt interest from NH and Vermont banks from this tax).
2. No deduction, other than a flat \$2,400 personal exemption, is available to individuals or partnerships.
3. The term "proprietorship" includes individuals.
4. LLCs are subject to the Interest and Dividends tax at the entity level; individuals are not subject to tax on dividends received from an LLC

NEW JERSEY

1. Consider the calculation of a property tax deduction or credit.
2. Consider the proper determination of the tax exempt portion of income from regulated investment companies.
3. Consider including the pro-rata share of a non-New Jersey S corporation's income allocated outside of New Jersey on the resident's tax return.

NEW MEXICO

1. Determine the proper treatment of Partnership and S corporation income. New Mexico apportions the income at the entity level.
2. Individuals may be required to file a return in the year they move from the state.
3. Taxpayers (who are a resident for 6 months or more) may be eligible for a credit equal to 3% of the taxpayer's unreimbursed in-state purchases of prescription drugs.
4. Depending on income level, taxpayers who are 65 years old or more may be eligible for a deduction from taxable income of up to \$8,000 per taxpayer. Lower-income taxpayers may also qualify for a property tax rebate, even if they rent their primary residence.
5. Consider how the NOL rules apply in New Mexico.
6. Individual returns can take a credit for taxes paid to another state, or allocate income to another state, but not both for the same income.
7. Limited partners may be liable for NM tax if the business activity is located in NM.
8. In NM, individuals can only be a resident or nonresident, which is determined by the state of residence at year end.
9. NM has restrictive rules for what cannot be allocated out-of-state on individual returns for full year residents.
10. Military personnel may need to file in NM, or their spouses may need to, if they derive income from NM.
11. There is no NM partnership return, but all partners that derive income from NM sources are required to file NM returns.

STATE TAX RETURN PREPARATION GUIDE
For All States' INDIVIDUAL State Tax Returns

12. The NM Tax Dept. is tying Sch. C gross receipts to NM gross receipts tax reports.

NEW YORK

1. NYS/C generally imposes tax on retirement payments received by nonresidents to the extent the payments are allocable to NYS/C sources. However, the following types of retirement benefits received by nonresidents cannot be taxed: 401(k) plans, annuity plans, IRAs, deferred compensation plans under IRC Sec. 457, certain executive retirement plans, and nonqualified deferred compensation plans under IRC §3121. (See P.L. 104-95)
2. Nonresident individuals must adopt the same filing status for NYS/C as was used for federal purposes when filing a nonresident return (Form IT-203). Specifically when a "married filing jointly" nonresident return is filed in NYS/C, even if only one spouse had NYS/C source income, total spousal income must be reported. (Brady v. State of New York, (Ct. of Appeals, December 22, 1992))
3. A nonresident individual must allocate compensation based on the ratio of days worked in NYS/C to total days worked everywhere. Any allowance for days worked outside NYS/C must be based upon necessity and not out of convenience to the employee. (20 NYCRR Reg. Sec. 132.18)
4. An individual who is domiciled in NYS/C must file a NYS/C resident return (Form IT-201). NY Tax Law Sec. 605(b). Domicile is the place that an individual intends to be a permanent home and return to whenever absent. Once established, a domicile continues until the person moves to a new location with the intention of making the new location a fixed and permanent home. Thus, both physical presence as well as intention are required to establish a new place of abode. (20 NYCRR Sec. 102.2(d))
5. The statutory definition of resident requires that a taxpayer spend over 183 days in NYS/C and maintain a permanent place of abode in NYS/C for "substantially all of the taxable year". 20 NYCRR Sec. 105.20-21. NYS/C Nonresident Audit Guidelines define "substantially all" as a period exceeding 11 months. Thus, even if a taxpayer spends over 183 days in NYS/C and owns a permanent place of abode in NYS/C, if the abode was not maintained in excess of 11 months, the taxpayer is not a NYS/C resident.

NORTH CAROLINA

1. Married nonresidents may not file jointly unless both spouses have income in NC. The spouse with the NC income must calculate his/her federal taxable income as a married person filing a separate federal return and use this as the starting point for the NC return.
2. Individuals are eligible for a tax credit for investing in business machinery and equipment placed in service in NC after 8/1/96.
3. Effective 1/1/98 a taxpayer may get a valid extension without paying the full amount of the tax due with the return. This now conforms to federal treatment.
4. Effective 1/1/97 taxpayers who claim the standard deduction are eligible for a credit for charitable contributions.
5. Nonresident partners and shareholders of S corporations may claim a credit for tax withheld as an "Other Tax Payment" on the return. They must include the information furnished by the partnership or S corporation with the return to verify the amount paid.
6. NC allows a deduction from federal taxable income for retirement benefits including IRA withdrawals. A person need not be retired to qualify for the deduction.

NORTH DAKOTA

1. No checklist information is available on this state.

STATE TAX RETURN PREPARATION GUIDE
For All States' INDIVIDUAL State Tax Returns

OHIO

1. Resident credit for taxes paid to other state tax jurisdictions: Tax must have been paid in other state in the year the credit is being taken and income included in the AGI. In addition, the tax paid in other jurisdiction must be a state income tax (net worth, franchise, MI SBT taxes are all not considered as creditable taxes).
2. Nonresident tax credit: Methodology in calculating income earned within Ohio is based on a single weighted sales factor vs. a 60% weighted sales factor for the corporate tax.
3. Consider utilization of a business income v. non business income analysis in determining the methodology of situsing income.
4. Residency is determined based upon a bright line test of contact periods within Ohio during the tax year. Status is only an issue if during the tax year the taxpayer maintains more than one domicile.
5. The state filing status is determined based on the federal return filed. As a significant marriage penalty may exist, a state return should always be filed to determine the net tax benefit of filing joint v. separate returns.

OKLAHOMA

1. Social Security income is not taxable in Oklahoma.
2. Out-of-state income is not taxable in Oklahoma. However, out-of-state losses must be added back to Oklahoma income.
3. Consider the Oklahoma interest income exclusion for interest from Oklahoma financial institutions or credit unions. (\$200 - joint, \$100 - single).
4. Consider the \$5,500 exclusion on certain retirement benefits for U.S. and Oklahoma retired employees.
5. The underpayment penalty is computed on full underpayment if the prior year's tax is not paid timely. This penalty is not limited to the prior year amount that should have been paid in. This could be very detrimental if the tax goes up significantly and the individual has underpaid by a small amount.

OREGON

1. Review how the credit for taxes paid to other states and the reverse credits apply.
2. Determine whether the taxpayer is qualified to take the special Oregon Medical deduction.
3. Review the new Oregon deferral of reinvested gain, and determine what gains are subject to deferral, when that deferred gain is recognized, and qualified investments for the deferral.

PENNSYLVANIA

1. Gains in one class of income cannot be offset with losses in another class of income. (61 PA Code §121.13(a), (b))
2. Losses cannot be carried back or forward from year to year. (61 PA Code §103.1, 103.2)
3. Employee contributions to retirement plans (e.g., 401(k)) are not excluded from taxation.
4. No rollover of gain is permitted on the sale of a personal residence.
5. The PA "55 and over" exclusion of gain on the sale of a principal residence differs slightly from the federal. Have all the PA qualifications been met? (Note that this does not take the Taxpayer Relief Act of 1997 into consideration).

STATE TAX RETURN PREPARATION GUIDE
For All States' INDIVIDUAL State Tax Returns

6. Moving Expense Deduction. Did the taxpayer work for the same employer both before and after the move? Was the move required by the employer? Did the employer request the move?
7. Taxpayers may deduct meals and entertainment expenses at 100%.
8. Determine whether new residents have included all their installment sale income, including any sales initiated prior to PA residency?
9. Determine whether income items from any out-of-state partnership or S corps were reported in the correct income classes on the return. In the absence of a PA Sch. K-1, the tax preparer must determine the appropriate classes of income.
10. Determine whether a deduction for unreimbursed direct business expenses incurred by partners or S corp shareholders is appropriate.
11. On a joint return, compute the gains/losses of each spouse separately because the gains of one spouse cannot be offset with the losses from the other spouse.
12. Determine whether a "SP" tax credit for low income taxpayers is appropriate. Part year and nonresidents are permitted to claim this credit but they must use gross and/or annualized income in determining their eligibility.

RHODE ISLAND

1. Nonresident partners should be aware that certain provisions of partnership agreements which decrease RI sourced income will be disregarded. (§44-30-34)
2. Federal income tax credits enacted after January 1, 1996 may not be deducted from federal income tax liability for purposes of calculating RI personal income tax. (§44-30-2(b))
3. Individual business owners who are domiciled in, and operate a business in an enterprise zone are eligible for a \$50,000 deduction. (§42-64.3-7)

SOUTH CAROLINA

1. Check into capital gain items that qualify for the 44% net capital gain deduction.
2. If the client has retirement income, consider making election as to treatment, but beware that election is irrevocable.
3. Determine the client's eligibility for various SC tax credits.
4. Individuals moving into SC need to calculate tax two ways: a) calculate income on all SC income and take credit for tax paid to other state; and b) calculate tax only on SC income. Use the calculation which produces lesser tax.
5. Schedule TC can be confusing if other state does not follow same rules in calculating taxable income.

SOUTH DAKOTA

1. South Dakota does not impose an individual income tax.

TENNESSEE

1. Taxpayers should be aware that Tennessee does have an individual interest and dividends tax. (T.C.A. § 67-2-101,et.seq.)

STATE TAX RETURN PREPARATION GUIDE
For All States' INDIVIDUAL State Tax Returns

2. Taxpayers should be aware that the income tax applies to partnerships. (T.C.A. § 67-2-102)

TEXAS

1. Texas does not impose an individual income tax.

UTAH

1. Determine whether the deduction for adoption expenses applies to the taxpayer.
2. Determine whether the deduction for 1/2 federal tax liability applies to the taxpayer.
3. Determine whether the deduction for retirement income applies to the taxpayer.

VERMONT

1. Vermont has a simple piggyback system (percentage of federal tax), must recompute federal tax (and attach recomputations) for non-Vermont municipal bond interest.
2. Taxpayers may either recompute federal tax to exclude U.S. Government Interest or use the percentage method. Taxpayers must attach documentation to support the U.S. Government Interest excluded.
3. Where estimated tax payments do not equal lesser of 90% of current year tax or 100% of prior year tax, penalty is 5% per month up to a maximum of 25%.
4. Vermont residents may qualify for a rebate of property tax paid on homestead. The rebate claim form must be filed separately from the individual income tax return for claimants under age 62. Claimants age 62 and older may transfer rebate claim to the individual income tax return. This return is due June 1 for the previous tax year.
5. Vermont residents are required to disclose the property tax paid on their homestead, and up to two acres of land, on their Vermont income tax return.
6. Income from intangibles is deemed to be sourced in the state of a taxpayer's domicile. The domicile state may tax the income and Vermont will give the taxpayer a credit for tax paid on that income to the other state (but only if that state provides a similar credit to its residents for income sourced to and taxed by Vermont). This implements an agreement among eleven northeast states and the District of Columbia. (H. 539. Effective 6/26/97)
7. Partnerships and LLCs are required to make mandatory payments of income tax on behalf of nonresident partners and members only. (H. 539)

VIRGINIA

1. The credit for taxes paid to other states by resident individuals is limited to earned or business income, or the gain on sale of a principal residence. No credit is available for franchise, license, excise, or unincorporated business taxes. (§58.1-332)
2. Virginia may not allow a credit for taxes paid to Arizona, California, Oregon, and the District of Columbia (see tax return instructions). The sale of investment property having a situs outside of VA does not generate an out of state tax credit in VA.
3. Resident S corporation shareholders include their entire distributive share of S corporation income in their Virginia taxable income. Relief from multiple taxation is provided through the credit for taxes paid to other states. (Resident shareholders of S-Corporations do not determine their Virginia taxable income by allocation or apportionment of the S Corporation's income.) (§§58.1-322, 58.1-325, 58.1-332)

STATE TAX RETURN PREPARATION GUIDE
For All States' INDIVIDUAL State Tax Returns

4. No Virginia partnership tax return is required. (§58.1-392)
5. The Virginia foreign source income subtraction is limited to certain passive types of income (interest, dividends, rents, royalties, etc.). Earned or business income does not qualify for the subtraction. However, the federal exclusion for foreign earned income is deducted in determining federal AGI, and thus allowed in determining the starting point for Virginia AGI. (§§58.1-322, 58.1-325, 58.1-332)
6. If an individual itemizes deductions for federal purposes, he or she must itemize deductions for Virginia purposes. Because state income taxes are not allowed as a deduction in Virginia, itemizers who have a large deduction for state income taxes may pay more overall federal and Virginia taxes by itemizing, than if he or she had claimed the standard deduction. You must supply a copy of your federal schedule A with your state return. (§58.1-322)
7. Part Year Residents: Virginia source income of a part year resident is determined on a cash basis. Thus, if a new Virginia resident receives distributions from a retirement plan, vacation or severance pay, or other types of income after moving to Virginia, such income is taxable in Virginia even though it may have been earned or accrued prior to moving to Virginia.
8. VA does not have a separate Net Operating Loss. VA follows the federal rules and a federal NOL carryback adjusts federal AGI which as adjusted, is the starting point for VA taxable income.
9. VA has completely revamped its Business, Professional and Occupational License Tax effective for 1997. Any entity doing business in VA should review these BPOL tax changes.

WASHINGTON

1. Washington does not impose an individual income tax.

WEST VIRGINIA

1. Consider certain credits that may be available to West Virginia noncorporate taxpayers (e.g., Military Incentive Credit, Qualified Rehabilitated Buildings Investment Credit, Capital Company Credit, Business Investment and Jobs Expansion Credit, etc.)
2. Interest or dividend income on state and local bonds other than bonds from West Virginia sources is not exempt from state tax.
3. Interest or dividends received on United States or West Virginia obligations includable in federal adjusted gross income are exempt from state tax.
4. Up to \$2,000 in benefits received from certain West Virginia, federal, or military retirement systems may be exempt from state tax.
5. Refunds of state and local income taxes received and reported as income to the IRS may be exempt from state tax.
6. There may be deductions available for senior citizens (age 65 or older), individuals with disabilities, and surviving spouses.

WISCONSIN

1. The Temporary Recycling Surcharge does not apply to an individual who has less than \$4,000 of gross receipts (review other exceptions as well). In addition, if an individual is subject to the surcharge, the minimum amount the individual should pay is \$25 (regardless of whether the calculation of the surcharge is less than \$25). (See WI Form 1 instructions, p. 15)
2. Interest income which is exempt for both state and federal tax purposes should not be included in Wisconsin income. (See WI Form 1 instructions, p.6 for examples)

STATE TAX RETURN PREPARATION GUIDE
For All States' INDIVIDUAL State Tax Returns

3. Wisconsin limits combined net losses from farming if nonfarm Wisconsin AGI is greater than \$55,000 (Married filing jointly). (See WI Form 1 instructions, p. 6)
4. Self-employed medical insurance is 40% deductible for federal purposes and 100% deductible for Wisconsin purposes. (See WI Law Section 71.05)
5. Taxpayers may have a different amount of social security benefits taxable for Wisconsin and federal purposes. (See WI Form 1 instructions, p. 8)
6. Nonresident - Amounts received while a nonresident of Wisconsin from a nonqualified retirement plan or a nonqualified deferred compensation plan must be included in Wisconsin income to the extent attributable to personal services performed in Wisconsin unless distribution is paid out in annuity form over life expectancy of individual or a period of not less than 10 years, or distribution is paid in either an annuity or lump sum from arrangements known as "mirror" plans. (See P.L. 104-95)
7. Nonresident - Any interest or dividends passed through from an S corporation on a WI 5K-1 must be included on the nonresident return (even though there is a general exception to not include any interest/dividends in Wisconsin income).

WYOMING

1. Wyoming does not impose an individual income tax.

COMMENTS OR EXPLANATIONS

STATE TAX RETURN PREPARATION GUIDE

For All States’ CORPORATION State Tax Returns

Common problems
and unique tax issues
for each state

Prepared by

AICPA State & Local Taxation Committee

STATE TAX RETURN PREPARATION GUIDE/CHECKLIST for All States' CORPORATION State Tax Returns

Introduction

This State Tax Return Preparation Guide/Checklist covers corporate state tax returns. For each of the fifty states, this guide identifies the most common problems or unique issues concerning each of the states' corporate state tax returns. It should provide tax practitioners with the items they should be aware of and consider when preparing corporation state tax returns for each state. The laws and policies of each state should be verified for application to specific cases. It is not authoritative and should not be relied upon for a specific taxpayer. Practitioners need to research issues identified in this checklist. Also refer to the State Corporation Income Tax Return Checklist and State Corporate Tax Issues Practice Guide (both of which are also included in this AICPA Tax Practice Guides and Checklists publication package) for state tax return issues and concerns applicable to all states in general and an explanation of nexus issues and frequently asked nexus questions as well as a discussion of multistate and state net operating loss issues.

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This State Tax Return Preparation Guide/Checklist was developed by the following members of the State and Local Taxation Committee of the Tax Division of the American Institute of Certified Public Accountants:

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We hope this publication is informative. If you have any comments or additional items or suggestions for next year's state tax return preparation guide/checklist, please fax your comments to Eileen Sherr at 202-638-4512, or send an e-mail message to esherr@AICPA.org.

STATE TAX RETURN PREPARATION GUIDE
For All States' CORPORATION State Tax Returns

Table of Contents

<u>State</u>	<u>Guide Pages</u>
ALABAMA	1
ALASKA	1
ARIZONA	1
ARKANSAS	1
CALIFORNIA	1-2
COLORADO	2
CONNECTICUT	2-3
DELAWARE	3
DISTRICT OF COLUMBIA	3
FLORIDA	3-4
GEORGIA	4
HAWAII	4
IDAHO	4
ILLINOIS	4-5
INDIANA	5
IOWA	5
KANSAS	5-6
KENTUCKY	6-7
LOUISIANA	7
MAINE	7
MARYLAND	7-8
MASSACHUSETTS	8
MICHIGAN	8-9
MINNESOTA	9
MISSISSIPPI	9
MISSOURI	9
MONTANA	9-10
NEBRASKA	10
NEVADA	10
NEW HAMPSHIRE	10-11
NEW JERSEY	11
NEW MEXICO	11
NEW YORK	11
NORTH CAROLINA	11-12
NORTH DAKOTA	12
OHIO	12
OKLAHOMA	12
OREGON	13
PENNSYLVANIA	13
RHODE ISLAND	13
SOUTH CAROLINA	13-14
SOUTH DAKOTA	14
TENNESSEE	14
TEXAS	14-15
UTAH	15
VERMONT	15
VIRGINIA	15-16
WASHINGTON	16
WEST VIRGINIA	16
WISCONSIN	16
WYOMING	16

STATE TAX RETURN PREPARATION GUIDE
For All States' CORPORATION State Tax Returns

ALABAMA

1. Alabama allows a federal income tax deduction for regular tax; however, federal AMT tax is not deductible.
2. For corporate apportionment purposes, the sales factor includes the gross proceeds from the sale of fixed assets, rather than the gain/loss on the sale of fixed assets.
3. For foreign franchise tax purposes, **short-term** debt between brother - sister corporations is excludable from the franchise tax base; however, all long-term debt is includable in the base.
4. Alabama does not impose a limit on the amount of capital loss claimed during any particular year.

ALASKA

1. Multi-state corporations apportion income to Alaska under a "water's edge" apportionment method which is based on domestic operations. Oil and gas corporations apportion income based on worldwide operations.
2. Corporations with oil & gas activities are required to file an Oil & Gas return rather than the standard income tax return.
3. Subchapter S Corporations doing business in Alaska are required to file a return with their federal 1120S attached.
4. The starting point for computing Alaska taxable income for a member of a federal consolidated group is federal taxable income on the consolidated return. Adjustments are then made to arrive at taxable income of the unitary group.

ARIZONA

1. Taxpayers confuse the full combination method of filing with filing a consolidated return. If filing a consolidated return make sure to make a proper election.
2. If reducing taxable income by income not subject to AZ tax, make sure to add back or properly compute expenses related to this nontaxable income.
3. If using state tax credits to reduce AZ tax actually due, accrual basis taxpayers must reduce the deduction claimed for AZ taxes paid.
4. If allocating income to other states, exclude the related property from the apportionment factor.
5. In the sales apportionment factor make sure to properly account for throwback sales. (sales to a state that does not require a return)

ARKANSAS

1. No checklist information is available on this state.

CALIFORNIA

1. Members of a combined unitary group must compute credits and apply the credit carryovers on a separate company basis. (see FTB Publication 1061)
2. Gain or loss on intercompany sales of business fixed assets or capitalized intercompany charges and expenditures between members of a combined group will be deferred as long as both the seller and the purchaser remain in the combined group and the asset is not sold to outsiders.
3. Intercompany sales and other intercompany revenue items are eliminated in computing the numerator and denominator of the sales factor. Intercompany rent charges are also eliminated from the property factor computation.

STATE TAX RETURN PREPARATION GUIDE
For All States' CORPORATION State Tax Returns

4. The immunity provided by Public Law 86-272 is expressly limited to interstate commerce and will not be applied to foreign commerce. Accordingly, analysis for nexus purposes on sales made to foreign jurisdictions should not be established under the parameters of Public Law 86-272. (See appeal of Dresser, SBE 1982)
5. California does not conform to the provisions of Internal Revenue Code § 957. A state adjustment is necessary to eliminate the Subpart F deemed dividend income and to include the actual dividend distributions in income when paid.
6. R&TC § 24344 provides a limit on interest expense deductions attributable to the production of nonbusiness income not included in the measure of the California tax. Interest expense related to nonbusiness interest and dividend income through operation of the interest offset will be added back to apportionable business income.
7. Corporations that are subject to the California franchise tax must include in gross income all interest received from federal obligations. In addition, interest income from state, municipal, or other bonds must also be included in gross income for franchise tax purposes.
8. California does not allow a deduction for taxes on/or measured by income or profits paid or accrued within the income year (see R&TC §24345). A state adjustment is also required for state, local or foreign taxes that are based on income or profits [and deducted for federal purposes]. Based on recent court cases, the Michigan SBT should be deductible for most corporate taxpayers. Although the federal environmental tax, as imposed by IRC §59, is deductible for federal tax purposes, it must also be added back as a state adjustment.

COLORADO

1. Apportionment options: Colorado provides both the MTC three factor or a statutory two factor apportionment method (which eliminates payroll). The election is made on an annual basis. (Sec. 24-60-1301 and Sec. 39-22-303)
2. Business v. nonbusiness: Under the two factor statutory apportionment method, all income is considered business. (Sec. 39-22-303(2))
3. NOLs carried forward can only be offset by income apportioned in the same apportionment method as the method utilized when the NOL was created (i.e., 2 factor NOLs can be used against 2 factor income, etc.) (Sec. 39-22-504(5))
4. There is no throwback for sales factor purposes under the statutory two factor apportionment method. (Sec. 38-22-303)
5. Definition of members who can be included in a combined report: Required three of six statutory unitary tests for the current tax year and the two prior years. (Sec. 39-22-303)

CONNECTICUT

1. Connecticut's taxable capital base includes the FAS109 deferred tax liability and other "surplus reserves." It is reduced by stock holdings, including treasury stock.
2. Connecticut's property apportionment fraction is measured by average monthly net book value of total tangible property held.
3. The first corporate estimate is due 3/15 (not 4/15) for calendar year corporations.
4. Prior year overpayments may not be applied to estimates until the date that the prior year return is filed.
5. Safe harbor amounts for corporate estimates are 150% of prior year income in 1997, and 100% of prior year income in 1998 and thereafter.
6. There is no annualization safe harbor for estimates.
7. S corporations--corporate income tax is being phased out 1997-2000. For 1997, 90% of net income is taxed, 75% in 1998, 55% in 1999 and 30% in 2000. Net income will not be taxed beginning in 2001. The capital base tax will remain as is.
8. Dividends received deduction must be reduced by "related expenses."

STATE TAX RETURN PREPARATION GUIDE
For All States' CORPORATION State Tax Returns

9. The first \$25,000 of combined return tax savings is added to tax.
10. Numerous tax credits are available. Get a copy of IP95(2.2).
11. Corporations that derive income not primarily from manufacture, sale or use of tangible personal property can apportion using single (gross receipts) factor.
12. Commissioner has very broad "Sec. 482-type" powers. See Reg. Sec. 12-226a-1.

DELAWARE

1. If the corporation is incorporated in Delaware but does not conduct business in Delaware, it is not required to file a Delaware income tax return.
2. Delaware Intangible Holding Company (DIHC) qualifications are outlined in Tit. 30, §1902(b).
3. If a taxpayer has nexus for gross receipts tax, then it will have nexus for income tax.
4. The property factor in the apportionment formula includes beginning of the year rent expense (prior year's capitalized rent expense). (Tit. 30, §1903(b)(6)a)
5. The payroll factor in the apportionment formula excludes officer compensation. (Tit. 30, §1903(b)(6)b)
6. The receipts factor in the apportionment formula excludes allocable receipts. (Tit. 30, §1903(b)(6))
7. Allocable income includes rent income, gains/losses from real and depreciable property, and expenses directly associated with the income. (Tit. 30, §1903(b)(1))
8. Delaware does not allow a deduction for interest paid to affiliated companies. (Tit. 30, §1903(a)(2))
9. Delaware taxable income is federal taxable income after NOLs. (Tit. 30, § 1903(a))
10. Delaware S corporations are required to withhold and remit income taxes on behalf of all nonresident shareholders at the highest Delaware individual income tax rate.
11. Delaware S corporations are required to complete Sch. A-1 for every resident and nonresident shareholder. Federal Sch. K-1 is not acceptable.
12. C corporations claiming a net operating loss must carry back/forward the federal NOL amount. Delaware has no provision for allowing the carry back/forward of a calculated Delaware NOL.

DISTRICT OF COLUMBIA

1. Although S Corporations are treated the same as C Corporations for DC franchise tax purposes, S Corporations are not allowed a net operating loss deduction (NOLD) on its DC Form D20. (Ltr. from DC Department to CCH)
2. A corporation that files as part of a federal consolidated return is only allowed a NOLD if it claims a NOLD on its actual federal return for the same tax year. (Per the Department)

FLORIDA

1. Emergency Excise Tax Errors: computing the tax on non-ACRS property and failing to claim a credit for tax paid in prior years.
2. Passive income should not be treated as non-business income.
3. There is only one NOL for Florida purposes (i.e., do not calculate a separate NOL for regular and AMT purposes).

STATE TAX RETURN PREPARATION GUIDE
For All States' CORPORATION State Tax Returns

4. Certain amounts should not be subtracted from federal taxable income unless specified by statute (i.e., federal research expenditures added back on the federal return, income of an LLC).
5. Include apportionment factors from partnerships, even if they are not controlled by the taxpayer.
6. Being exempt under Public Law 86-272 does not necessarily exempt a company from filing a Florida Intangible tax return

GEORGIA

1. Initial net worth tax return must be filed for the first year of incorporation even if a short year.
2. Georgia taxpayer must add back state taxes that are measured by net income.
3. Consent to file a consolidated Georgia tax return must be requested annually unless the group's income is 100% Georgia source income, whereby the group must file a consolidated return with Georgia.
4. Replacement property must be located in Georgia for tax free treatment to apply in an exchange or replacement situation.
5. Georgia has several tax credits available to companies doing business in the state, including flow through entities.
6. If taxpayer makes quarterly estimated payments of \$50,000. or more to Georgia, payments should be made via electronic funds transfer.
7. If taxpayer is a party to state contracts, it may subtract 10% of qualified payments to minority subcontractors on state construction projects or \$100,000, whichever is less, per year.
8. All nonresident stockholders of a Georgia S-Corp must execute a consent agreement whereby they agree to pay Georgia income tax on their share of the S-Corp income. This requirement may be eliminated by the S-Corp filing a composite Georgia return. Attach copy of each Form 600S-CA to Form 600S.
9. Distributions from Georgia S-Corps & Partnerships to nonresidents are subject to withholding requirements, with certain exceptions.
10. Georgia doesn't have a throwback rule for domestic corporations.

HAWAII

1. A combined return vs. a consolidated return should be filed if any subsidiaries within group are not incorporated in HI.
2. The three factor formula is to be used in apportioning business income to Hawaii. HRS §235-29. If the taxpayer feels that the specific allocation rules do not fairly reflect its activity in Hawaii, then a petition for a different method, including separate accounting is to be filed with the Director of Taxation. (HRS §235-38)
3. If client does business in Hawaii, verify filing of Hawaii general excise and use tax returns.

IDAHO

1. No checklist information is available on this state.

ILLINOIS

1. Certain credits (e.g., ITC, R&D, Training expense credit, etc.) that are often missed are available to taxpayers.
2. Adjustments to the tax base (e.g., foreign dividends, FSC adjustments, etc.) are often missed.

STATE TAX RETURN PREPARATION GUIDE
For All States' CORPORATION State Tax Returns

3. Incorrect throwback and numerator computation under Joyce rules. (Note that if the legislature overrides the governor's veto of the bill in the Fall of 1997, for future years the throwback issue may become moot since the proposed law does not have throwback but does use 100% sales apportionment).
4. Taxpayers should be aware of 80/20 exclusions (particularly FSCs and CFCs).
5. If the taxpayer is electing to forgo the Illinois NOL carryback period, check box (a) net to line 1 of Part IV.
6. All taxpayers are allowed a partial credit against the Illinois income tax for Illinois replacement tax paid. Review calculation carefully.

INDIANA

1. Gross receipts used in computing state gross income tax should reconcile to gross receipts on the federal return.
2. Bad debt expense and returns/allowances are overlooked as deductions in computing state gross income tax.
3. Take the tax credit available for contributions to Indiana colleges/universities.

IOWA

1. Iowa allows a corporation to deduct 50% of federal taxes paid or accrued. Review calculation of federal tax for a single return filed in Iowa by a member of a consolidated group.
2. Add back Iowa tax expense on the other additions schedule.
3. Review the definition of non-business income because it is often miscalculated (as it is a very limited concept).
4. The election regarding items in the business activity ratio is binding and must be followed consistently.
5. Separately calculate a net operating loss on a separate basis while the corporation is doing business in Iowa.
6. Only members of an affiliated group which have Iowa nexus are allowed to be included in an Iowa consolidated return.
7. Income from intangible assets, if considered business income, is required to be included in the calculation of the business activity ratio (i.e., the single-factor apportionment formula).
8. Iowa does not require throwback of sales which are shipped from Iowa to states where a corporate taxpayer is not taxable.
9. Under Iowa's rules, sales of other than tangible personal property are sourced to where the benefit of those services is derived, rather than where the costs to perform the services are incurred.
10. Iowa's research and development credit is refundable.
11. According to regulations, Iowa nexus can be created based solely upon the presence of intangible assets within the state.

KANSAS

1. If two or more corporations file federal income tax returns on a consolidated basis, and if each of such corporations derive all of their income and expenses from sources within Kansas, they must file a consolidated return for Kansas income tax purposes.
2. Any taxpayer having income from business activity taxable both within and without Kansas, shall allocate and apportion net income by the single entity apportionment method. The business income is apportioned by multiplying the business income by a fraction, the numerator of which is the property factor plus the payroll factor plus the sales factor, and the denominator of which is three.

STATE TAX RETURN PREPARATION GUIDE
For All States' CORPORATION State Tax Returns

3. The property factor consists of an average of the original cost of owned real and tangible personal property used in the business and the net annual rents for property multiplied by 8.
4. State and municipal interest is an add back to federal taxable income on line 2 of Form K-120. The portion that is non-taxable to Kansas should be deducted on line 9.
5. Other additions to federal taxable income include business expense deductions claimed on your federal return for making your business accessible to the disabled for which a Kansas tax credit is available and for charitable contributions claimed that are used as the basis for computing Kansas community service contribution credit.
6. A Kansas net operating loss carryforward schedule should be attached to keep track of loss years.
7. Taxpayers should make themselves aware of the different kinds of nonrefundable credits available.
8. Other income (losses) and deductions that are added to federal ordinary income from federal Schedule K should not include items that would affect the itemized deductions of the shareholders.
9. Corporations with nonresident shareholders and with income derived from sources within and without Kansas are to complete Part I, page 2 of Form K-120S or provide a substitute schedule for the allocation. If all income is from Kansas then this part does not need completed.
10. There is a box in Part II, page 2 to check if the shareholder is a nonresident. Since modifications for nonresident income are included in the allocation from Part I, no further modification to Subchapter S income is needed on the Kansas individual income tax return.
11. See instructions for the nonrefundable credits available that flow through to the shareholder and are not shown on the Form K-120S.
12. Have you completed Part III and Part IV of the Kansas tax return showing the following items:
 - Taxes deducted on the Federal return?
 - Interest income included on the Federal Return?

KENTUCKY

1. S corporations must apportion 100% of income to KY if 100% of tangible personal business property and 100% of payroll is in KY. Payroll is not considered to be outside of KY if the activity of the employee does not exceed the threshold of P.L. 86-272.
2. For entities that may apportion income outside of KY, the standard apportionment methodology does not contain a throwback rule.
3. When apportioning income to nonresident owners of pass-through entities, a single factor gross receipts formula is used instead of the standard three factor apportionment method.
4. Consolidated income tax reporting must be affirmatively elected and is binding for a 96 month period. The election is available for tax years ending on or after 12/31/95. For periods prior to this date, it may be possible to assert that unitary reporting more clearly reflects income than separate reporting. An annual election for consolidated license tax reporting is made separately from the election for consolidated income tax reporting. Certain corporations may use a method other than consolidated license tax reporting that may be used to eliminate some intercompany balances from the license tax base.
5. Various methods may be available to apportion the total license tax base to KY. Debt incurred to purchase inventory may be excludable from the license tax base if strict documentation requirement are satisfied. Certain liabilities, such as deferred tax liabilities, may be excludable from the license tax base to the extent they can be netted against a corresponding asset such as deferred tax asset. The number of such liabilities that may be excluded is limited.
6. There is no prior year safe harbor with respect to C corporation estimated tax payments. At least 70% of current year income tax must be paid as estimated tax payments for every corporation whose income exceeds \$5,000. The due dates are the 15th of the

STATE TAX RETURN PREPARATION GUIDE
For All States' CORPORATION State Tax Returns

6th, 9th, & 12th months of the corporate year with 50% of the total estimated tax due on the 15th day of the 6th month of the corporate year.

LOUISIANA

1. LLCs are not subject to Louisiana franchise tax.
2. There is no business/non-business distinction in Louisiana. Allocable income is defined in the law.
3. Ownership of a partnership interest, limited or general, or LLC interest, will subject a corporation to Louisiana franchise tax.
4. Double-weighted sales factor for manufacturing businesses for franchise tax years beginning 1/1/97, which is reported on the income tax return beginning 1/1/96. Double-weighted sales factor for manufacturing businesses for income tax years beginning 1/1/97.
5. IRC §311(b) gain added back if deferred for federal purposes under IRC §1502.
6. Certain Industrial Revenue Bonds should not be included in the franchise tax base, for years ending before 1/1/97.
7. Revenue from a partnership means the partner's share of net income of the partnership, not the partner's share of gross receipts from the partnership for franchise tax revenue factor purposes.
8. All debt from an affiliate is included in the franchise tax base, regardless of its length outstanding, unless the debt is the result of normal trading accounts.
9. No federal income tax deduction allowed if no Louisiana income tax paid in the current year, for instance, if the corporation has a Louisiana net operating loss.
10. When a corporation has deferred tax assets and deferred tax liabilities, the net is included in the franchise tax base.

MAINE

1. Maine has updated its conformity to the Internal Revenue Code.
2. Maine follows the Joyce rule (i.e., sales into jurisdictions where a taxpayer is not subject to tax, but where a unitary member is subject to tax, are thrown back to Maine) for purposes of calculating the sales factor.
3. The statutory requirement to add back to taxable income research expenses included in the basis for the Research Expense Tax Credit has been repealed.

MARYLAND

1. Consider the statutory modification in net operating loss years, and carryback and carryforward years.
2. Consider sourcing of gross business for financial institutions franchise tax.
3. Consider the new regulations regarding sourcing of receipts for banks under the corporate income tax.
4. Consider the apportionment and sourcing of receipts under the single-factor rule for service businesses and the two-factor (receipts and property) for rental and leasing businesses.
5. Consider sourcing of interest, capital gains, and other income from intangibles.
6. The administrative position is to follow the federal due date for short period returns.
7. Consider the electronic funds transfer (EFT) payment requirements.

STATE TAX RETURN PREPARATION GUIDE
For All States' CORPORATION State Tax Returns

8. Maryland does not have a separate NOL provision. However, Maryland's starting point for determining Maryland taxable income is federal taxable income after NOL and special deductions (i.e., line 30). However, line 1 of the Maryland return may not be less than zero except to report an NOL incurred in the current year.

MASSACHUSETTS

1. For tax years beginning before January 1, 1999, there is no dividends received deduction allowed for financial institutions.
2. The Massachusetts sales factor for manufacturing corporations is currently 70% of the apportionment percentage, but will increase by 10% each year until the single sales factor is fully phased in (after January 1, 2000).
3. In the context of a combined return, NOL carry forwards may only be used by the company that generated the losses. Loss carryover is allowed for all corporations; however, they may only offset the income of the corporation sustaining the loss. They may not use the carryover loss to offset the income of other members of the group.
4. Continuing research credit, calculated on Schedule RC, must be added back as income on Schedule E.
5. The Perini case extended the deduction for investment in subsidiaries to include 80% owned foreign corporations. This deduction is available in calculating the Net Worth Tax of a foreign intangibles company (Form 355B, Sched. D, Line 4). However, in determining whether a company is classified as tangible or intangible, only investment in foreign corporations that are not doing business in Massachusetts are counted. (Form 355B, Sched. B, line 11)
6. MA recognizes the flow through of S-corps but requires the filing and paying of the property measure of the tax and at least the minimum excise of \$456.00 for S-corps doing business in MA. S-corps with gross receipts over \$6 million must pay a tax at the corporate level on income earned by the S-corp. In addition, the income flows through and is taxed at the individual level. S-corps with receipts over \$6 million pay a tax of 3% and S-corps with receipts over \$9 million pay a tax of 4.5% of taxable income.
7. MA has passed into law a single factor formula (sale only) for defense contractors so electing, manufacturing companies as defined in statute (phased in over the next 4 years), and certain mutual fund companies.
8. Two or more members of a corporate group filing a consolidated return may file a combined MA return. All members that are taxable in MA must participate. Each member separately apportions their income then all members are combined thereafter.
9. MA has taken the position that corporations are taxable where their only connection with MA is the ownership and use of intangibles in the state.
10. MA throwback rules are based on where the property is sold from. Called the "sales office origination" test the effect is that a sale is a MA sale if sold to a customer in a state where the taxpayer is not subject to tax and the sale was made from an office owned or rented by the taxpayer in MA. This throwback rule is very different from most states who generally use a "shipped from" test.
11. The tax is based on two measures; a property measure and an income measure. The property measure is \$2.60 per \$1,000.00 of net worth or tangible property in state, whichever is applicable. The income measure is equal to 9.5% of the MA taxable income. The total of the two measures equals the tax. The tax will be equal or exceed the minimum of \$456.00.

MICHIGAN

1. Written authorization is required before filing on a consolidated basis. See RAB 89-49 for requirements that must be met before Department will grant permission.
2. Taxpayer must determine whether an entity is a financial or non-financial organization based on nature of entity, assets, or gross receipts (see §208.10(4) for definition). Non-financial organizations include the following in gross receipts: sales, gross rents, and other income. Financial organizations include the following in gross receipts: sales, dividends, interest, gross rents, and other income.
3. Business income is based on taxable income as computed under IRC in effect as of January 1, 1987.

STATE TAX RETURN PREPARATION GUIDE
For All States' CORPORATION State Tax Returns

4. Salaries, wages, and other payments to employees must be computed on the cash basis, i.e., Form 941.
5. Pension, retirement, and profit sharing plans include employer portion of 401(k) contributions.
6. Depreciation and other write-off of tangible assets does not include software which is not a tangible asset for Michigan purposes.
7. Non-financial organizations subtract interest income from the tax base and include interest expense as an add-back to the tax base.
8. Income and losses from partnerships or other pass-through entities are excluded from the SBT, as these entities are subject to tax on a separate entity basis.
9. Failure to take the compensation or gross receipts adjustments to the tax base.

MINNESOTA

1. No checklist information is available on this state.

MISSISSIPPI

1. No checklist information is available on this state.

MISSOURI

1. Missouri allows a C corporation to deduct 1/3 of federal tax (amount from Federal tax return).
2. Missouri C corporation rules generally follow federal taxation. However, the beginning amount on the Missouri return (federal taxable income) cannot be less than \$0.
3. Missouri law provides a credit for the creation of certain new jobs within an enterprise zone.
4. Missouri allows a deduction for the same net operating losses as is allowed under federal rules for C corporations, apportioned to represent losses sustained in Missouri in the business of the corporation.
5. To file a Missouri consolidated return for a C corporation, the corporation must be part of a consolidated federal return and derive 50% or more of its income (for the first consolidated Missouri return) from sources within Missouri. (The Dept. of revenue has been known to challenge the filing of a consolidated return in future years if the percentage falls below 50%. However, technically a taxpayer cannot change without approval of the Department.)
6. Withholding is required for non-resident S corporation shareholders.
7. Missouri uses the Multistate Tax Compact to allocate and apportion income.

MONTANA

1. Capital losses are deductible as incurred without being subject to the federal limitation. (MCA 15-31-114(1)(b))
2. A financial institution may not use a reserve method in computing its deduction for loan losses; it must use the specific charge-off method. (MCA 15-31-114(1)(b))
3. If desired, the waters' edge election is due within the first 90 days of the taxable year for which the election is to be effective. (ARM 42.26.215)
4. In the event of a merger of corporations, the net operating loss carryovers of both the target and the survivor are lost. (MCA 15-31-119(8) and ARM 42.23.415. See also GBN, Inc. v. Department of Revenue)

STATE TAX RETURN PREPARATION GUIDE
For All States' CORPORATION State Tax Returns

5. Montana does not exempt from taxation interest earned from investments in state, municipal and federal government obligations. (MCA 15-31-113 & 115)
6. Prior to 1997, financial institutions were not allowed to join in the filing of a consolidated Montana corporate license tax return. However, beginning in 1997, this provision is repealed resulting in the ability to include banks and thrifts in consolidated Montana returns. (MCA 15-31-141(6))

NEBRASKA

1. Nebraska recently passed a statute repealing the throwback rules in connection with corporations doing business in states other than Nebraska where the corporation does not have nexus. Sales in these non-nexus states are no longer "thrown back" into the numerator of the Nebraska apportionment factor.
2. Determine whether the taxpayer qualifies for the Nebraska incentive credits under LB 270. In general, if a business adds two full time employees and fixed assets of \$75,000, the business may qualify for incentive credits of \$1,500 per employee and \$1,000 per \$75,000 of investment. The credits are reported on Form 3800N.
3. Determine whether the taxpayer qualifies for the Nebraska incentive credits under LB 775. In general, a qualifying business must file an application and invest \$3,000,000 in qualifying assets and hire at least 30 employees over a seven year period.
4. Consider claiming fuel tax credits and community development act credits.
5. Be aware that Nebraska net operating losses only carry forward -- they cannot be carried back.
6. If there are no non-Nebraska shareholders for an S Corp, the Form 1120SN does not need to be filed with the Nebraska Dept. of Revenue. Thus, only the federal return needs to be filed in that instance.
7. Withholding is required for an S Corp if there is no Form 12N received by the corporation from a nonresident shareholder.
8. In doing the calculation of investment credit on Form 3800N for companies that are renting real estate properties rather than owning them, rent expense is capitalized by taking the rent expense paid in the last month of the year times 12 (to arrive at the annualized years' rent expense) and then multiply that amount by 8 (to arrive at the capitalized amount).
9. If a company has filed the Form 3800N to claim investment and/or employment credits in prior years, the form also needs to be filed the next two years because part of the tax will be subject to recapture if investment and employment levels are not maintained.

NEVADA

1. Nevada does not impose a corporate income tax.

NEW HAMPSHIRE

1. The Business Enterprise tax is assessed on .25% (.0025) of the taxable enterprise value tax base, which is the sum of all compensation paid or accrued, interest paid or accrued, and dividends paid by the business enterprise after special adjustments and apportionment. (RSA 77-E)
2. The business profits tax is imposed at 7% of taxable business profits of every business organization.
3. A credit is available for Business Enterprise Taxes paid. (RSA-77-A)
4. NOLs are apportioned for each year they are used, effectively decreasing the NOL by a function of the apportionment percentage each year.
5. No deduction is available for NOLs incurred before January 1, 1989.

STATE TAX RETURN PREPARATION GUIDE
For All States' CORPORATION State Tax Returns

6. Foreign corporations doing business in New Hampshire are required to pay an annual franchise tax of \$300. Domestic corporations pay this tax based on the amount of authorized capital stock.

NEW JERSEY

1. Consider the proper filing and completion of Schedule N for foreign corporations seeking immunity from income taxation pursuant to PL 86-272.
2. Consider making an election to be treated as a New Jersey S Corporation.
3. Consider reporting changes or corrections made by the IRS to taxable income within ninety days.
4. Consider the incorrect calculation of net operating loss carryovers for corporations entitled to dividend exclusions.
5. Consider the incorrect utilization of net operating loss carryovers of corporations merged out of existence.

NEW MEXICO

1. Consider the correct filing method (e.g., taxpayers often select federal consolidated for ease of filing, without realizing this is a permanent election or that they may file under a different method).
2. Consider whether income is business or nonbusiness, and therefore apportionable or allocable (New Mexico's form is confusing in this matter and leads to mistakes).
3. Consider the subtraction of expenses from allocated income.
4. Overnight repurchase accounts should not be treated as income from U.S. obligations.
5. Review NOL limitations as both the New Mexico form and the regulations are confusing.

NEW YORK

1. New York State and City ("NYS/C") have specific rules for corporations that calculate expenses disallowed as attributable to investment and subsidiary capital. Both interest and non-interest expenses may be disallowed using a direct or indirect approach. While the direct approach may be more difficult to determine, it may result in NYS/C corporate tax savings. (See NYS TSB-A-85-5-C; TSB-A-96-2-C)
2. Corporations seeking to file combined reports in NYS/C are required to seek permission to do so no later than 30 days after the tax year end. (See 20 NYCRR Sec. 6-2.4(a); NYC Rule Sec. 11-91(e)-(f))
3. Where two corporations have more than 80% common ownership and are unitary, it will be presumed that they should file on a combined basis for NYS/C corporate tax purposes where the corporations have substantial (greater than 50%) intercorporate transactions. (See 20 NYCRR Sec. 6-2.4; NYC Rule Sec. 11-91(g))
4. Consider special NOL rules: (1) NYS/C NOLs cannot exceed federal NOLs. (2) A non-combined filer computes NOLs on a hypothetical separate company federal basis. (3) NOLs originating after 6/30/89 can only be carried forward. (NY Tax Law Sec. 208.9(f); 20 NYCRR Sec. 3-8.1-3-8.2)
5. There are limitations on different categories of income and capital in NYS/C. By statute, pre-apportionment investment income cannot exceed pre-apportionment entire net income. (NY Tax Law Sec. 208.6) In practice, the same rule has been extended to apply to any category of income, as well as any category of capital (e.g., pre-apportionment business capital is limited to pre-apportionment entire capital).

NORTH CAROLINA

1. Corporations are eligible for a tax credit for investing in business machinery and equipment placed in service in NC after 8/1/96.

STATE TAX RETURN PREPARATION GUIDE
For All States' CORPORATION State Tax Returns

2. NC does not have a throwback rule for multistate corporations.
3. The franchise tax calculation base for "Capital Stock, Surplus and Undivided Profits" allows a deduction for tax accumulated depreciation in excess of book depreciation.
4. NC does not allow NOL carrybacks. It allows a five year carryforward for "NC net economic losses."

NORTH DAKOTA

1. No checklist information is available on this state.

OHIO

1. There is no designation of business v. non business income in determining taxable income. The determination as to whether income is to be apportioned v. allocated is based upon the income classification.
2. The apportionment formula utilized to compute the net worth tax is based on a business "done" and property factor, which are both different than the net income apportionment factors. Business Done includes items treated as allocable for income tax purposes and the property factor is based upon total assets as reported on the GAAP balance sheet of the taxpayer. Different situsing rules exist for each of these factors.
3. In computing the net worth tax, certain assets are considered exempted including appreciation and goodwill as recorded on the balance sheet. Mark to Market adjustments are considered as appreciation. Any net depreciation in any specific asset does not necessarily require net reduction in the appreciation adjustment. Appreciation is not defined, and has been the subject of many issues over the last several years.
4. There are no estimated payments required in Ohio. Tax is remitted first by January 31st, March 31st and May 31st. Return is due either on May 31st or one month past the extended federal return due date. There is no short period return in Ohio.
5. Combined returns can be filed for just the net income tax. Any member included in the combined return must have income tax nexus with the state, must timely elect to be included in the return, must be considered to be part of a related group with 50% common control and ownership, and will be difficult to break the combined filing without significant changes in the factual situation.
6. Adjustments to the net income tax base may be required in cases where royalty, interest and other intangible expenses are deducted on a taxpayer's Ohio return when the payor is not incurring a tax liability for the corresponding income.
7. Net foreign source income is deducted from the net income tax base to the extent of 85%. Expenses must be attributed to the foreign income in order to compute the net deduction.
8. When a taxpayer is reorganizing its group of affiliates an adjustment to the net income tax may be required to the extent income is earned within the tax year prior to the reorganization by a corporation no longer considered to be conducting business operations on Jan. 1st of the tax year.

OKLAHOMA

1. The three factor formula is applied to each corporation in a consolidated group, not on a consolidated basis.
2. The State tax is deductible in computing state taxable income.
3. There is no 65% limitation for Oklahoma oil and gas depletion deduction as there is for federal purposes.
4. The Oklahoma depletion rate is 22% and limited to 50% of taxable income from an oil and gas property.
5. An officer's compensation is backed out in determining the payroll factor in Oklahoma.

STATE TAX RETURN PREPARATION GUIDE
For All States' CORPORATION State Tax Returns

OREGON

1. Consider the unitary versus separate filing issues, including the treatment of passive holding companies in the unitary group (the state has been reluctant to allow inclusion).
2. Complete both methods of calculating the Oregon R&E credit. The alternative method may result in higher credit.
3. Complete both methods of calculating the Oregon R&E credit even when the taxpayer is in an NOL position because a carryover provision exists.
4. Review how Oregon defines receipts for apportionment purposes and how it specifically addresses the throwback rule.
5. An out of state company may also be required to file the Portland/Multnomah County Business License Return.

PENNSYLVANIA

1. Determine whether the most advantageous apportionment method is chosen in determining the Capital Stock/Franchise (CS/F) Tax and Corporate Net Income (CNI) Tax as several methods exist.
2. Determine whether separate returns were filed for each entity(PA does not allow consolidated tax reporting).
3. PA requires the payment of quarterly estimates for both the Capital Stock/Franchise Tax as well as the Corporate Net Income Tax. Determine whether all quarterly estimated tax payments have been claimed.
4. PA S corps, partnerships & individuals are allowed to deduct meal and entertainment expenses at 100%.
5. Determine whether dividend income was included in the average income when computing the Capital Stock/Franchise tax.
6. Determine whether the amounts used on the RCT-101, Sec. A agree with the amounts on the Federal 1120, Sch. L and M-1 (which need to be attached). If not, include sub-schedules to reconcile any differences.
7. Review whether the CS/F tax is properly prorated for short tax years.
8. CS/F Tax - Review whether book income amounts excluded equity in subs and included dividends from subsidiaries.
9. CS/F Tax - Review whether the manufacturing exemption was properly taken or calculated.
10. CNI - Review whether reinstated NOL deductions were properly taken.

RHODE ISLAND

1. Multistate credit card banks may elect to apportion net income to RI based on income derived from customers domiciled in RI. §44-11-14.
2. S corps are subject to the franchise tax.
3. RI does not have a throwback rule, which creates the possibility of “nowhere” sales for purposes of the sales factor.

SOUTH CAROLINA

1. Review state law concerning filing consolidated or separate returns.
2. If filing a consolidated return, check for proper calculation of franchise fee.
3. If filing an S Corp return, note that disability insurance payments are not deductible.

STATE TAX RETURN PREPARATION GUIDE
For All States' CORPORATION State Tax Returns

4. Layout of corporate return does not allow for combining income tax and corporate license before application of payments to get to net refund due.
5. If client has NOLs, review tracking of SC NOLs.

SOUTH DAKOTA

1. South Dakota does not impose a corporate income tax.

TENNESSEE

1. Franchise Tax - Review the calculation of adequacy of capital. (Rule 1320-6-1-.15)
2. Franchise Tax - Review the types of reserves included in capital base. (Rule 1320-6-1-.16)
3. Franchise Tax - Review the calculation of franchise tax for unitary group of financial institutions. (T.C.A. §§67-4-914, 919)
4. Review the calculation of estimated tax payments. (T.C.A. § 67-4-817)
5. Review the calculation of net operating loss. (T.C.A. § 67-4-805(b)(2)(C))

TEXAS

Regarding Corporate Franchise Tax and Taxable Capital:

1. Solicitation by independent representatives may create nexus and a filing obligation.
2. Reserves such as inventory obsolescence, warranty reserves, reserves for lawsuits, writedowns of assets, etc. must be included in surplus. To be excluded, the reserves must meet the definition of debt (time certain, sum certain, and contractual).
3. Investments in subsidiaries must be reported at their cost basis. Equity reporting is not allowed. Therefore, if the subs are kept on the books on the equity method of accounting, an adjustment will need to be made to deduct the sub's earnings and add back any dividends that have been adjusted in the records.
4. Consolidated reporting is not allowed. Intercompany eliminations such as deferred intercompany profits are included in surplus as if the sale was made to an outside third party.
5. Texas has a throwback rule, however, solicitation is enough in another state to not "throwback" the other states sales. There will generally be different percentages of Texas business for the taxable capital and the earned surplus piece of the franchise tax.
6. Interest on federal obligations is included in the gross receipts denominator.
7. Dividends from affiliates are included in the gross receipts denominator. There is no dividend received deduction for the taxable capital.

Regarding Earned Surplus:

8. Public Law 86-272 protects solicitation activities in Texas. As a result, most companies will have a different percentage of Texas business for the taxable capital piece and the earned surplus piece of the franchise tax.
9. Interest on federal obligations are not included in the federal income tax base or in the gross receipts denominator.
10. Except for banks, officer and director compensation addback includes all officers of the company by title. A Vice President of a warehouse's compensation will be added back because of his title (Note: There are currently administrative hearings on this issue). Exemptions from this compensation addback are provided for S corporations and other corporations with less than 36 shareholders.

STATE TAX RETURN PREPARATION GUIDE
For All States' CORPORATION State Tax Returns

11. Compensation includes all benefits reported on Forms W-2 and 1099.
12. A business loss carryover created by a company that is a nonsurvivor of a merger does not carryforward to the survivor (Note: This issue is currently in litigation at the District Court level).

UTAH

1. Determine whether the 50% addback for FSC dividends applies to the taxpayer.
2. Determine whether the \$1,000,000 limitation on NOL carryback applies to the taxpayer.
3. Taxpayer should use the Finnigan method for sales factor purposes (as opposed to the Joyce method).
4. Utah now follows IRC §338(h)(10).
5. Determine whether the deduction for R&E expenses applies to the taxpayer (it is disallowed on the federal return).

VERMONT

1. S corporations, LLCs and partnerships are required to withhold income tax on Vermont taxable income allocable to non-Vermont residents (new for 1997).
2. Vermont does not allow NOL carrybacks.
3. Only entities with Vermont nexus are allowed to file consolidated Vermont corporate tax returns.
4. Vermont uses an equal weighting of each of the three factors (sales, payroll & property).
5. Each registered corporation must file an annual report with the Vermont Secretary of State's office, which is due at the same time as the corporate income tax return. A fee is due with this annual report.

VIRGINIA

1. Returns may be filed by one of three different methods: separate, combined or consolidated. An election must be made to file a consolidated return in the first year in which there are one or more affiliates subject to tax. (§58.1-442)
2. Once an election is made to file separate, combined or consolidated, it is a binding election that may only be changed with permission from the department. Only those corporations having Virginia nexus may join in a combined or consolidated filing, and the original election is binding on any affiliates which in the future may incur a Virginia tax liability.
3. Corporations filing on a combined or consolidated basis, or as a multistate corporation, should refer to Virginia Regulation §630-3-442 for additional modifications.
4. Virginia does not have a separate NOL provision. However, Virginia's starting point for determining Virginia taxable income begins with federal taxable income after federal net operating losses have been deducted. (§58.1-442) However, line 1 of the Virginia return may not be less than zero except to report an NOL incurred in the current year.
5. There is no throw-back rule for the Virginia sales factor. (§58.1-414)
6. Virginia law does not provide for an addition or subtraction of nonapportionable investment function net income, nor does the law provide for the allocation of any income other than dividends. Virginia recognizes that some taxpayers may be entitled to an alternative method of allocation and apportionment if they can demonstrate that the application of Virginia's apportionment law to their particular facts for the taxable year would be contrary to the provisions set forth in *Allied Signal, Inc. v. Director, Division of Taxation*, 112 S. Ct. 2251 (1992).
7. Only certain passive types of income (interest, dividends, rents & royalties, etc.) qualify for the Foreign Source Income Subtraction. (§58.1-302)

STATE TAX RETURN PREPARATION GUIDE
For All States' CORPORATION State Tax Returns

8. The Foreign Source Income Subtraction is computed net of related expenses. (§58.1-402)

WASHINGTON

1. Washington does not impose a corporate income tax.

WEST VIRGINIA

1. Out-of state financial organizations that are part of an affiliated group of corporations that file a consolidated federal return, may elect to file consolidated West Virginia BFT & CNIT returns. (SB129)
2. West Virginia has a liberal definition of U.S. Government Obligations for form A-1 exclusions (includes agencies such as FNMS, GNMA's, etc.).

WISCONSIN

1. Income from obligations of the U.S. government is included in income when subject to the franchise tax (most corporate taxpayers), but not included when subject to income tax. (See WI Form 4 instructions, p. 6)
2. Corporations may deduct from income, dividends received from a corporation with respect to its common stock if the corporation receiving the dividends owns, directly or indirectly, during the entire taxable year at least 70% of the total combined voting stock of the payor corporation. (See WI Form 4 instructions, p. 8)
3. Some taxpayers have been successful in taking a more aggressive approach in classifying nonapportionable income. (See Agricultural Building Co. vs. Wisconsin Department of Revenue, Wisconsin Department of Revenue vs. Citizen Publishing Co. of Wisconsin Inc., and Hercules Incorporated vs. Wisconsin Department of Revenue)
4. The payroll factor includes wages, salaries, commissions and any other form of remuneration paid to employees for personal services including amounts contributed to a qualified cash or deferred arrangement under IRC §401(k). (See WI Regulations Tax 2.39(5)(c)) The payroll factor also includes management or service fees paid to a related corporation for the performance of personal services.
5. Foreign sales do not get thrown back to Wisconsin. (See WI Form 4 instructions, p. 14)

WYOMING

1. Wyoming does not impose a corporate income tax.

COMMENTS OR EXPLANATIONS:
